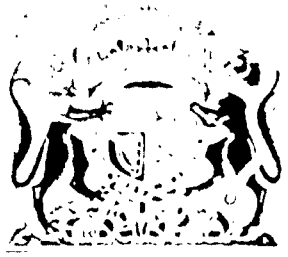
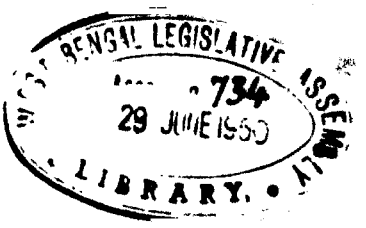
OF THE WEST

Vol. XXXIX—No. 2





Council Proceedings

Official Report

Bengal Legislative Council

Thirty-ninth Session, 1932

8th to 12th August, 1932

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GOVERNOR OF BENGAL.

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GOVERNMENT OF BENGAL

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2. Excise.

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DEPUTY PRESIDENT.

Mr. RAZAUR RAHMAN KHAN, B.L.

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3. Mr. W. H. THOMPSON.
4. Mr. SYAMAPROSAD MOOKERJEE, Bar.-at-Law.

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BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

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Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
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Austin, Mr. J. M. (Bengal Chamber of Commerce.)

B

Baksh, Maulvi Shaik Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
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Bural, Babu Gokul Chand. [Calcutta South Central (Non-Muhammadan).]
Burn, Mr. H. H. (Bengal Chamber of Commerce.)

C

Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
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Chaudhuri, Babu Siddeswar. (Expert, Nominated.)

Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]
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Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)
Chaudhuri, Maulvi Syed Osman Haider. [Tippera North (Muhammadan).]
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Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]
Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]
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Coppinger, Major-General W. V., C.I.E., D.S.O., M.D., F.R.C.S.I., I.M.S. (Nominated Official.)
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D

Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]
Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur. [Minister.] [Tippera South (Muhammadan).]
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G

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Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)
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Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]

H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Henderson, Mr. A. G. R. (Nominated Official.)
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Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Kerr, Mr. W. J. (Nominated Official.)
Khan, Maulvi Amin-uz-Zaman. (Nominated Official.)
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Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]

L

Lal Muhammed, Haji. [Rajshahi South (Muhammadan).]
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Leeson, Mr. G. W. (Bengal Chamber of Commerce.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]

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* Deputy President, Bengal Legislative Council.

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Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

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Nag, Reverend B. A. (Nominated Non-official.)
Nandy, Maharaja Sris Chandra, of Kasimbazar. (Bengal National Chamber of Commerce.)
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O

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Ormond, Mr. E. C. [Presidency and Burdwan (European).]

P

Petre, Mr. B. F. (Indian Mining Association.)
Philpot, Mr. H. C. V. (Nominated Official.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Mr. A. F. M. Abdur-. [24-Parganas Rural (Muhammadan.)]

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Ray, Babu Amulyadhan. [Jessore South (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, Maharaja Jagadish Nath, of Dinajpur. [Dinajpur (Non-Muhammadan).]
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Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Babu Satyendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy, the Hon'ble Mr. Bijoy Prasad Singh. [Minister.] [Burdwan South (Non-Muhammadan).]
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Babu Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan.)]
Sarkar, Babu Benod Behari. (Expert, Nominated.)
Sarkar, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sen, Mr. B. R. (Nominated Official.)
Sen, Mr. Girish Chandra. (Expert, Nominated.)
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)

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Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Stapleton, Mr. H. E. (Nominated Official.)
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Thomas, Mr. M. P. (Indian Jute Mills Association.)
Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Townend, Mr. H. P. V. (Nominated Official.)
Twynam, Mr. H. J. (Nominated Official.)

W

Wilkinson, Mr. H. R., C.I.E. (Nominated Official.)
Woodhead, the Hon'ble Mr. J. A., C.I.E. (Member, Executive Council.)
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS

(Official Report of the Thirty-ninth Session.)

Volume XXXIX—No. 2.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 8th August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 109 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Board of Intermediate and Secondary Education, Dacca.

*18. **Khan Bahadur MUHAMMAD ABDUL MOMIN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the total amount of expenses incurred annually from provincial revenues on the Board of Intermediate and Secondary Education, Dacca, and

(*ii*) the total number of schools and colleges controlled by the Board?

(*b*) What are the reasons for the maintenance of a whole-time Chairman of the Board?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) (*i*) The expenditure incurred during 1930-31 amounted to Rs. 54,198, including examination charges of Rs. 21,417, against receipts of Rs. 29,454 on account of fees, etc. The net cost to Government was, therefore, Rs. 24,744.

(*ii*) Four Intermediate colleges, 3 Islamic Intermediate colleges, 15 high schools and 23 high madrasahs.

(*b*) When the Board was established, a whole-time Chairman was considered necessary on account of the many important duties which the Board would be called upon to perform. The possibility of making other arrangements is now under consideration.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state since how long the possibility of making other arrangements has been under consideration?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Since two years.

Maulvi SYED MAJID BAKSH: When is it likely to take effect?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: This is a question which is under the consideration of the Retrenchment Committee.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state what he means by "the possibility of making other arrangements"?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: As I have just stated the matter is before the Retrenchment Committee and I cannot say anything beyond that.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to assure us that any rearrangement that may be made will be done with the consent of the Board or will be referred to the Board?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I do not think I can say anything until we know what the proposals of the Retrenchment Committee are.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state whether "the other arrangements" referred to in the answer depends upon the decision of the Retrenchment Committee or of the Government of Bengal?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The matter will, in the first instance, be considered by the Retrenchment Committee and final orders will be passed by the Government of Bengal.

Rai Bahadur KESHAB CHANDRA BANERJI: Does the Hon'ble Minister mean that the question of retaining a Chairman for the Dacca Intermediate Board is being examined by the Retrenchment Committee or that the whole question of retaining the Dacca Intermediate Board is under the consideration of the Retrenchment Committee?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: There must be a Chairman if there is a Board, but the question of what pay should be given to the Chairman is under consideration.

Examiners appointed by the Board of Intermediate and Secondary Education, Dacca.

*19. **Khan Bahadur MUHAMMAD ABDUL MOMIN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing during the last five years, year by year, in English, Bengali, History, Mathematics, Economics, Chemistry and Physics the total number of—

(*i*) Moslem and

(*ii*) non-Moslem

examiners appointed by the Board of Intermediate and Secondary Education, Dacca?

(*b*) Is it a fact that Moslems have been, and are being, refused examinerships on the plea of non-residence at Dacca or employment as examiners in the Calcutta University?

(*c*) Is it also a fact that similar objections have been, and are being, ignored in the cases of non-Moslems?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) The Board reports that this is not a fact.

(*c*) Does not arise.

Statement referred to in the answer to clause (a) of starred question No. 19, showing the number of Moslem and non-Moslem Examiners of the Board, year by year, for the last five years.

	Intermediate.		High school and high madrasah.	
	Non-Muslims.	Muslims.	Non-Muslims.	Muslims.
1932.				
English	6	1	6	3
Bengali	1	1	3	1
History	2	2	2	1
Mathematics	4	1	4	1
Economics	5	1	..	..
Chemistry	6	..	..	..
Physics	6	..	..	..
1931.				
English	6	1	5	4
Bengali	1	1	2	2
History	3	1	2	1
Mathematics	4	1	4	1
Economics	6	..	..	..
Chemistry	6	..	..	..
Physics	6	..	..	..
1930.				
English	6	1	5	4
Bengali	1	1	2	2
History	3	1	1	2
Mathematics	4	1	4	1
Economics	5	1	..	..
Chemistry	6	..	..	..
Physics	6	..	..	..
1929.				
English	5	1	3	2
Bengali	2	..	1	1
History	3	1	2	1
Mathematics	4	1	5	..
Economics	4	..	..	..
Chemistry	6	..	..	..
Physics	6	..	..	..
1928.				
English	6	1	3	2
Bengali	2	..	1	1
History	4	1	2	1
Mathematics	4	1	4	..
Economics	4	..	..	..
Chemistry	6	..	..	..
Physics	6	..	..	..

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state why, in spite of the fact of the Dacca University being in existence for so many years, not more than one Moslem examiner has been available?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It is an autonomous body and the question is a matter of detail regarding which we cannot interfere.

Babu JITENDRALAL BANNERJEE: Sir, on a point of order. May I draw your attention to the language used in clause (*b*) of this question, which seems to contain an insinuation and as such offends against section 19 of the Standing Orders?

Mr. PRESIDENT: The question was passed by me and it is quite apparent that I would not have passed it if it appeared to me to offend against any rule.

Babu JITENDRALAL BANNERJEE: Sir, the question contains the expression "on the plea of non-residence"——

Mr. PRESIDENT: You need not discuss that point further since I consider the question quite in order.

Appointment of backward class candidates in the Bengal Secretariat.

*20. **Babu AMULYADHAN RAY:** Will the Hon'ble Member in charge of the Finance Department be pleased to lay on the table a statement showing for the last three years—

(*i*) how many appointments have been made in the Bengal Secretariat; and

(*ii*) how many backward class candidates have been recruited?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): A statement is laid on the table.

Statement referred to in the reply to starred question No. 20, clauses (i) and (ii).

(*i*)	1929-30	..	..	..	16
	1930-31	..	..	..	6
	1931-32	..	..	..	9
(*ii*)	1929-30	..	..	..	Nil.
	1930-31	..	..	..	Nil.
	1931-32	..	..	..	1

Mr. MUKUNDA BEHARY MULLICK: Will the Hon'ble Member be pleased to state the principle on which recruitment had been made?

The Hon'ble Mr. J. A. WOODHEAD: The recruitment was made on the results of the examination.

Babu AMULYADHAN RAY: Will the Hon'ble Member be pleased to state the number of candidates from the backward classes who sat for the examination?

The Hon'ble Mr. J. A. WOODHEAD: I must ask for notice.

Babu AMULYADHAN RAY: Will the Hon'ble Member be pleased to state the caste to which the candidates appointed from the backward class belong?

The Hon'ble Mr. J. A. WOODHEAD: Again, I must ask for notice.

Rai Sahib SARAT CHANDRA BAL: Will the Hon'ble Member be pleased to state the academic qualification possessed by the candidate belonging to the depressed class who was appointed in 1931-32?

The Hon'ble Mr. J. A. WOODHEAD: I am sorry, I cannot state what University qualifications he possesses.

Babu AMULYADHAN RAY: Will the Hon'ble Member be pleased to state whether he is aware that many candidates outside the backward classes allege themselves to be depressed classes at the time of appointment? (Laughter.)

Report of the Committee of State Medical Faculty.

***21. Rai Bahadur SATYENDRA KUMAR DAS:** With reference to the reply given to starred question No. 117 at the Council meeting held on the 14th March, 1932, will the Hon'ble Member in charge of the Local Self-Government (Medical) Department be pleased to lay on the table a copy of the report of the Committee appointed to consider the question of the creation of a State Medical Faculty Examination centre at Dacca?

MEMBER in charge of LOCAL SELF-GOVERNMENT (MEDICAL) DEPARTMENT (the Hon'ble Mr. R. N. Reid): The State Medical Faculty have not yet forwarded to Government a copy of the report of the Committee.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to call for the report of the State Medical Faculty?

The Hon'ble Mr. R. N. REID: There is no need to call for the report; it will be received in due course.

Maulvi SYED MAJID BAKSH: When is it likely to be received?

The Hon'ble Mr. R. N. REID: I am unable to say.

Allotment of holidays for the Moslem festivals.

*22. **Maulvi TAMIZUDDIN KHAN:** (*a*) With reference to the reply given to starred question No. 23 at the Council meeting held on the 4th February, 1932, will the Hon'ble Member in charge of the Finance Department be pleased to state the holidays (Act and non-Act) allotted to the different religious festivals of the Hindus and Moslems respectively in this province?

(*b*) Has any decision been arrived at on the question of allotting certain non-Act holidays to Moslem religious festivals?

(*c*) If so, what is that decision?

The Hon'ble Mr. J. A. WOODHEAD: (*a*) Reference is invited to the lists of public holidays published at page 1468, Part I of the *Calcutta Gazette*, dated the 26th November, 1931.

(*b*) No.

(*c*) Does not arise.

Maulvi TAMIZUDDIN KHAN: Is the Hon'ble Member aware that not a single non-Act holiday is allotted to many of the Moslem religious festivals?

The Hon'ble Mr. J. A. WOODHEAD: Yes.

Maulvi TAMIZUDDIN KHAN: Is the Hon'ble Member aware that the holidays on account of the *Muharrum* festival have recently been reduced from 2 to 1?

The Hon'ble Mr. J. A. WOODHEAD: Yes.

Maulvi TAMIZUDDIN KHAN: Is the Government considering the desirability of allotting some non-Act holidays to Moslem festivals?

The Hon'ble Mr. J. A. WOODHEAD: Yes, the matter is under consideration.

Maulvi TAMIZUDDIN KHAN: For how long has this matter been under the consideration of Government?

The Hon'ble Mr. J. A. WOODHEAD: I believe for a considerable time.

Maulvi TAMIZUDDIN KHAN: Is it a matter of such difficulty as to take a considerable time?

The Hon'ble Mr. J. A. WOODHEAD: All questions in regard to holidays offer very great difficulties.

Faridpur Railway Station.

***23. Maulvi TAMIZUDDIN KHAN:** With reference to the reply given to starred question No. 45 at the Council meeting held on the 15th February, 1932, will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state—

(*i*) whether there is a widespread discontent prevailing amongst the travelling public in the district of Faridpur and other places concerned on account of the delay in improving the condition of the Faridpur Railway Station either at its present site or by removing it to a more suitable site, in spite of repeated promises made during long years past;

(*ii*) whether there is any prospect of providing money in the next year's budget for the purpose;

(*iii*) whether any estimate of the work has been prepared;

(*iv*) if so, what is the estimate of the total amount required;

(*v*) whether in the opinion of the railway authorities the work can be done at a moderate cost by the use of old materials; and

(*vi*) whether the work can be done in instalments with the amount required in one single year?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*i*) Government have no information.

(*ii*) There is no prospect of providing funds in the next year's budget for a new station at a different site, but in the opinion of the Railway

Administration it may be possible to find money for improving the condition of the existing station at its present site.

(*iii*) An approximate estimate has been prepared for a new station at a different site in the neighbourhood of the Zilla School.

(*iv*) Rupees 2,10,000.

(*v*) Cost may be somewhat reduced if second-hand permanent-way material is available.

(*vi*) The work could be done in two years and expenditure provided in two instalments.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state why the railway authorities want to spend money for improving the station at the present site instead of building a new station in another site altogether?

The Hon'ble Mr. J. A. WOODHEAD: The reply says "in the opinion of the Railway Administration it may be possible to find money for improving the condition of the existing station at its present site". I cannot say why they propose to do it.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether representations have been submitted by important public bodies and associations of Faridpur for the improvement of the railway station?

The Hon'ble Mr. J. A. WOODHEAD: I have no personal knowledge. It is quite probable that representations have been submitted.

3-15 p.m.

Death of Mr. Ellison and attempt on the life of Sir Alfred Watson, Kt.

The Hon'ble Mr. R. N. REID: With your permission, Sir, I would like to interrupt the business of the House for a space, to refer to the death which has occurred since we last met of Mr. Ellison. As the House is aware, he was shot by an assassin on the 29th July and he succumbed to his injuries on Friday last. In him Government has lost a valuable public servant and one more crime has been added to an already shamefully long list. I think it is fitting, Sir, that this House should turn aside for a moment from its ordinary labours to express its abhorrence of the crime, and as a mark of condolence to Mrs. Ellison and his other relatives.

I would take this opportunity also of referring to that other attempt, happily unsuccessful, which occurred last Friday not very far from this House, and while condemning that crime also, we may express our gratitude that that distinguished journalist, Sir Alfred Watson, so providentially escaped.

Babu JATINDRA NATH BASU: I associate myself whole-heartedly with the words that have just fallen from Mr. Reid. In connection with this and similar outrages, responsible opinion amongst Indians of all classes and creeds has expressed itself in no uncertain terms to the effect that nothing is more abhorrent to Indian sentiment than the crime of the assassin taking the life of an unsuspecting and trustful person. The traditions that we, Mussalmans and Hindus, have inherited, teach us to return trustfulness in full measure. In countries, where Islamic and Hindu ideals have held sway, men coming to our country from outside have been treated with the kindness and consideration due to guests. The cult of secret murder is an attack on what is best and noblest in our own ideals. We take a just pride in our great teachers, like Gautama, Buddha, Moinuddin Chisti, Nizamuddin Aulia, Haji Noor Kuth Alam, Ramanuja, Nanak, Kabir, Chaitanya and others. While kings and conquerors have been forgotten, we cling to the lives and example of these great teachers as our greatest asset.

The cult of secret murder destroys the high ideals for which our greatest men lived and died. Apart from the heinousness of the crime of assassination and the misery that comes in its train, it does the incalculable injury of debasing our best ideals and making us revert back to methods of barbarism. Let the spirit of our great teachers pervade our land again, and demonstrate to the world, that the achievements of trust and goodwill are of real and lasting value, and that India with all her agony of the past and with the beacon lights lighted by her great teachers should not trace back her steps or enter into devious ways, but should go forward on the straight path, if necessary, through sorrow and suffering. Those that deflect from ideals of goodwill and trust are not friends but enemies of our country. I can well understand that there are temptations and incitements in the path of those that surrender themselves to the cult of assassination. But our great teachers will have lived in vain, and all the suffering, patience and self-restraint of our country in the past will have gone in vain if those that are faced with those temptations and incitements are not strong enough to resist them. I trust those that succumb to the cult of assassination will see things in their true light, and will understand that in the eternal history of humanity the roll on which their names will appear will not be the rolls of honour.

Sir, I feel deep sorrow at the snatching away of a young life by the cruel hand of a murderer. My heartfelt sympathy goes forth to the widow and the bereaved family.

Mr. W. H. THOMPSON: On an occasion like this, it is fitting that each group in the House should express its feelings and on behalf of the European group permit me, Sir, to speak. Mr. Reid has given you a very brief account of what happened, but if there are, and I am sure there are, several members who know Comilla, they will remember the position of the Church at the cross-roads. Mr. Ellison was in the habit of returning to his tiffin in the Circuit bungalow from the new police office. At the cross-roads a young Bengalee was standing in the middle of the road, standing in such a way that Mr. Ellison had to swerve on his bicycle to avoid him. As he passed, immediately his back was turned, and at a distance of a few inches the Bengalee fired. It was a very small bullet and apparently Mr. Ellison did not realise at the moment that he has received a very severe wound. He steadied himself on his bicycle and got off; it only took a second or two during which time the young man was running away as fast as he could. Mr. Ellison turning saw him running away and fired five shots at him but missed. His orderly who was about 200 yards behind him fired, but he also missed, and the man ran down the lane behind the old Collector's house and was lost in the *bustee* behind. Mr. Ellison collapsed immediately after the excitement was over, and as you know he was removed to Dacca.

I think, Sir, during the debates in this House last week your thoughts must often have turned to that poor broken body lying on a cot in the Dacca hospital and to the wife crying and then when the time came for her to be allowed to see her husband drying her eyes and greeting him with a smile of hope though she knew in her heart that there was no hope. For when Colonel Procter saw Mr. Ellison first he knew that he had only one chance in a hundred.

During the Great War we used to think that our relatives and friends were giving their lives for civilisation. We are not so sure now whether all that was necessary, but there are many other examples in history of cases where men have given their lives for civilisation. We each of us have our own heroes in history. In the year 451 when Attila and his horrible Huns crossed the mountains into France, the disjointed provinces all joined together to stand in his way and they were led by Theodorie, the Gothic King of Toulouse. They met Attilla on the field of Challous. Theodorie won the battle, but he lost his life and Attilla and his Huns retreated into Italy and never came again into France. The Goths have left no monument behind them though they ruled in Toulouse for 90 years but only this record.

Theodorie gave his life for civilisation. There are many other instances like this, and I like to think that my friends Lowman, Simpson, Peddie and the rest gave their lives for civilisation also. That Ellison gave his life for India some one else may say in this House, but for us in this group and for his wife and his friends, we shall take consolation in the thought that Ellison died for England, just as dutifully as Nelson in the cockpit of the *victory*.

Khan Bahadur Maulvi AZIZUL HAQUE: I desire to associate myself with the many remarks made in expressing our condolence and feelings of abhorrence on the tragic outrages committed which tarnish the fair name of this province. Occasion after occasion has occurred before us, and I hope the time has come when each one of us will realise for a moment in our heart of hearts, that the problem is becoming still more complex. I desire, in the tense feeling of this House, to associate myself with the feeling of abhorrence and sympathy for the death of Mr. Ellison, and also the congratulations to Sir Alfred Watson on his providential escape.

Mr. B. C. CHATTERJEE: I desire to associate myself with Mr. Reid, Mr. Basu, Mr. Thompson and Khan Bahadur Azizul Haque in the sentiments expressed by them.

Mr. NARENDRA KUMAR BASU: On behalf of this side of the House I beg to associate myself with the feelings that have been given expression to by the various speakers. I did not know Mr. Ellison personally, but we all know Sir Alfred Watson, and we are all very glad at his providential escape. One does not know how to combat these incidents which, we all know, do not really do any good. But it is very difficult to see how in this matter unless Government and all parties combine together, and there is a strong searching of heart and change of policy, we can devise some means of stopping these dastardly outrages. As I have already said, I beg to associate myself with the expression of condolence to Mrs. Ellison, and congratulations to Sir Alfred Watson.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: On behalf of the land-holding members of this Council and on my own behalf I beg to express our greatest abhorrence and condemnation of the dastardly outrages committed within the last few days. At the same time, I join with what Mr. Reid has said, in congratulating Sir Alfred Watson on his providential escape. We have it in the Bhagavadgita that God himself protects the life of a good and innocent man and punishes the guilty. The present case is an illustration of

that holy saying. The life of Sir Alfred would not have been saved but for divine intervention and we are thankful to God for it. We also offer through our President our sincere condolences to the widow of Mr. Ellison in her bereavement.

3-30 p.m.

Mr. PRESIDENT: It is but meet and proper that I should join the Hon'ble the Home Member and the other members of this House in condemning the foul murder of Mr. Ellison whose tragic end we all deplore. Nationalism, I understand, but nationalism and terrorism are, to my mind, conflicting and contradictory; the one is the negation of the other. Terrorism, in my considered opinion, has no place in politics. The terrorist do not profess or pursue politics. They do not constitute any party within the meaning of constitution law. By condemning terrorism and the terrorist outrages I really do not attack any political principle. I do not even touch any political policy, creed or party; I think I am, therefore, absolutely free to condemn the methods of the terrorists which surely operate to digress not only the man-made laws but also the laws of Nature. I hope the terrorists will pause, and ponder and try to catch the real significance of my condemnation in the best interests of the country.

I also associate myself with what the Hon'ble Home Member has said about Sir Alfred Watson and I dare say we are all profoundly thankful to God for saving the life of that distinguished journalist. I propose to send, on your behalf, a message of condolence to the widow of Mr. Ellison and a message of congratulation to Sir Alfred Watson on his providential escape.

GOVERNMENT BUSINESS

DEMANDS FOR GRANTS.

22.—General Administration.

The Hon'ble Mr. J. A. WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a token sum of Re. 1 be granted for expenditure of about Rs. 3,000 under the head "22.—General Administration, Legislative Bodies—Provincial Legislative Council," during the year 1932-33, on account of the formation of a separate Legislative Council Department.

Sir, in moving this demand it is perhaps unnecessary for me to add anything to the observations which were made on the matter by you, Sir, and the Leader of the House on Monday last. The main details of the scheme of separation have been given in the printed

memorandum, copies of which have been circulated to all members of this House. Perhaps, Sir, I may be permitted to make two observations. The figures of cost given in the memorandum are necessarily approximate and the scheme has been framed so as to keep the additional expenditure as low as possible.

The motion was put and agreed to.

32.—Medical.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: On the recommendation of His Excellency the Governor, I beg to move that a token sum of Re. 1 be granted for expenditure under the minor head "32.—Medical—Grants-in-aid, contributions and donations—Transferred, Calcutta Hospital Nurses Institution," for additional help to the institution.

The Calcutta Hospital Nurses Institution undertakes the supply of nurses to the Calcutta Medical College Hospitals as well as to the Presidency General Hospital in return for an annual grant of Rs. 1,00,000 from Government. The total expenditure of the Calcutta Hospital Nurses Institute for the last year was Rs. 4,23,000. This amount is made up by contribution from the European community and other contributions. The total expenditure for the supply of nurses to the Presidency General Hospital comes to Rs. 1,53,833 and the expenditure for the supply of nurses to the Medical College Hospitals comes to Rs. 2,23,810. On account of financial depression the contribution from the mercantile community of Calcutta has fallen considerably and the Hospital Nurses Institute found it extremely difficult to go on with the normal recruitment of nurses for the Medical College Hospitals and the Presidency General Hospital unless their resources were supplemented. The authorities of the institution came up to Government towards the end of 1931 for an additional grant of Rs. 50,000. Government was not in a position to make a grant of the full amount and agreed to pay Rs. 25,000 to the institute and to meet the deficit which amounted to something like Rs. 68,000, so that the institute opened the year with a deficit of Rs. 43,000. It is apprehended that there will be a further fall in donations and subscriptions from Clive Street and the total deficit in the current year may come up to Rs. 1,00,000. For the information of the House I may mention that the number of patients in the Calcutta hospitals has increased considerably since 1921. The total number of indoor and outdoor patients in the year 1921 was 87,137, whereas in the year 1931 the number was 1,44,822. This will speak for itself. There is also a slight increase in the Presidency General Hospital so unless Government come forward with an additional grant the supply of nurses will be stopped and Government will have no other alternative but to close a certain number of beds both

in the Medical College and the Presidency General Hospital which, I am sure, will be undesirable and will not be appreciated either by the public outside or by the members of this House. So I make a demand for a token grant of Re. 1 to enable Government to make a contribution of something like Rs. 88,000 to enable the Calcutta Nurses Institute to go on recruiting for the current year. But Government feel that the nursing question must be settled once for all. Government must go into the whole question and settle it. So I propose to appoint a committee consisting of—

Lieut.-Colonel Stewart, as Chairman,

President of the Calcutta Hospital Nurses Institute,

One representative of the Corporation of Calcutta,

Principal of the Medical College,

Surgeon Superintendent of the Presidency General Hospital,

Principal of the Carmichael College,

Lady Superintendent of the Lady Dufferin Hospital,

Mrs. A. N. Chaudhury,

Dr. L. M. Bannerjee, and

Rai Bahadur Dr. Haridhan Dutt,

for the purpose of investigating the whole question and for suggesting some means for the supply of nurses in future at a cheaper rate and, if possible, from local sources. The committee, I hope, will go into the question very thoroughly and make certain suggestions. So this demand is purely temporary. This amount that I ask is only to enable the institute to go on for the current year and when the recommendations of this committee are placed before Government, they hope to settle the matter permanently. With these few words I commend the motion to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: I rise to congratulate the Hon'ble Minister for the last words with which he has uttered the proposal to look into the question of providing nurses for the hospitals. It is a question which wanted to be looked after so it is better late than never. The point that I have in my mind is this: that we in Bengal have not got any facilities for the training of high class nurses from educated Indian girls and ladies. Such a training would not only provide us with a useful body of public servants but it will also open up careers for young educated girls who are splendidly fitted for this work but do not find enough occupation for themselves. I am glad that the Hon'ble Minister has thought of entering into the whole question of recruiting nurses in future and I hope he will make it

a point to see that adequate provision is made for the purpose so that it will enable Government as well as all private bodies to procure an adequate supply of nurses instead of having to depend upon any particular institution which is maintained partly by public charities and partly from Government contribution. I wish the committee which the Hon'ble Minister has announced had consisted of men in whom the public have great confidence. If the Hon'ble Minister is really anxious to solve the problem the committee will be able to give him all the necessary help.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to.

3-45 p.m.

41.—Civil Works.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a token sum of Re. 1 be granted for expenditure under the head "41.—Civil Works—Provincial," in 1932-33 for the works as detailed below:—

	Rs.
(1) Second Additional Special Jail, Dum Dum ...	71,713
(2) Reconstruction of the Mymensingh Jail ...	42,830
(3) Structural alteration in the female ward of the Berhampore Jail	15,659
(4) Construction of cells in the Rajshahi Jail ...	19,700
(5) Construction of temporary sheds in the Dacca Central Jail	18,300
Total ...	1,68,202

The necessity for this token demand has already been explained in the printed memorandum which has been circulated.

As stated therein, it is anticipated that the expenditure for all the above schemes can be met by re-appropriation from the anticipated savings in the existing grant under "41.—Civil Works—Provincial" by curtailing expenditure on original works and repairs where possible, and the Council is accordingly being asked to approve of the expenditure by means of a token grant of Re. 1.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that the token sum of Re. 1 under the head "41.—Civil Works" be reduced by 1 anna (to draw attention to, and express disapproval of, the wholly insufficient accommodation and conveniences in the Dum Dum Special Jail and overcrowding of prisoners in jails).

My object in moving this amendment is to draw attention to the wholly insufficient accommodation and conveniences provided for the prisoners, notably in one of the Dum Dum special jails, immediately after the offensive against the civil disobedience movement was started, and also to the overcrowding of prisoners in jails. With regard to this particular jail at Dum Dum——

Mr. PRESIDENT: I should like to clear one point. Are you going to confine your remarks to the second special jail at Dum Dum or is it your intention to go beyond that?

Dr. NARESH CHANDRA SEN GUPTA: I want to speak on the second special jail at Dum Dum.

Mr. PRESIDENT: You are right. I hope you will confine your remarks to that jail only.

Dr. NARESH CHANDRA SEN GUPTA: Prisoners in large numbers were dumped into this jail before the construction was finished. There was wholly inadequate accommodation for the large number of prisoners who had gone there. Then as there was no adequate arrangement for them to spend any part of their days out of doors, they had to be confined in their cells for the whole day. The latrine accommodation there was wholly inadequate for less than half the total number of prisoners, and the information which I received is that even the food supplies failed for some days. The contractors who were called upon to supply food to the prisoners could not supply all that was needed and very poor substitutes had to be given to the prisoners. Well, Sir, these are some of the grievances which the prisoners who were placed there have made, and I have no doubt, having regard to the source from which I got the information, that that information was absolutely accurate.

Sir, before this offensive against civil disobedience was started we were asked to make large and liberal grants for the jails. But apparently the Government may complain that they had not asked for all; the Public Works Department may complain that they had not the resources to carry on the work rapidly: all that is wholly beside the point. The Government ought to have the foresight to see the extent of the accommodation that they needed and ought to have made ample provision for that in good time. This Council has never stood in the

way of Government making ample provision for any number of prisoners who might be taken in. It is perfectly true that whatever provision the Government may make may turn out inadequate in the end: that is another proposition. I said on one occasion to this Council that in order to provide adequate accommodation for all prisoners Government would have to take a lease of some territory like Siberia. By all appearances it seems that my prediction is almost coming to be true.

When Government launched their offensive against the civil disobedience movement, they ought to have an idea of what that would mean and they should have made provision for adequate accommodation, and there is absolutely no excuse for the inhuman treatment of dumping together a large number of prisoners in newly constructed jails; for this reason I move this amendment.

(Mr. J. N. Gupta rose to speak.)

Mr. PRESIDENT: Mr. Gupta, you will please remember the issue which has been raised by the previous speaker and confine your remarks within the limits of that issue, so far as the amendment is concerned.

Mr. J. N. GUPTA: I am speaking on the grant demanded by the Hon'ble Minister.

I wish the Hon'ble Minister in asking for this grant had given us some information about the necessity of this very large sum of Rs. 71,713 for the second additional special jail at Dum Dum. From what my friend Dr. Naresh Chandra Sen Gupta has said, and I believe he has personal knowledge, the existing jail does not seem to have the right kind of accommodation. Unfortunately, Sir, I have no personal knowledge of the subject and I think that in asking for this large grant some information ought to have been placed before us to enable us to vote in favour of this demand. Sir, we are all aware of the extremely impecunious condition of our finances. We must also be equally aware that we are to make this large additional jail accommodation in the province. The most that we can say is that this is only a transitory requirement and that the Government are not making any permanent addition to what they anticipate will be the permanent requirement of the province and we also hope that a large number of civil disobedience prisoners will probably soon be released and I therefore request the Hon'ble Minister to make it quite clear whether it is not possible to make some transitory and less expensive arrangement for tiding over any difficulties that may exist, instead of coming to the House with a demand for the grant of such a large amount as Rs. 71,000. Sir, we cannot really allow the finances of the province to be swallowed up entirely by finding additional money for jails and such other things. I therefore most respectfully ask the Hon'ble Minister to give us some particulars as to why this money is wanted.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I do not understand why the Hon'ble Nawab Sahib has been placed in charge of this motion, demanding a certain sum for the construction of jails and additional accommodation in existing jails. He is not in charge of the Jails Department but perhaps he has been put in charge of this demand because it is a question of brick and mortar. Personally, of course, in offering any comment on this motion I do not suggest that any part of the money that he wants will be wasted or that there is any likelihood of the money being misspent; but what I would like to suggest for the consideration of the gentleman who ought to be responsible for this demand, I mean the Member in charge of the Jails Department, is that he should take a broad view of the question and in asking for the money should consider whether such a huge amount should be spent on temporary arrangements. I think he does not intend, or he does not ask us to believe, that so many jails or so much additional accommodation will be required for the province of Bengal for all time to come. If that is not so, he should be able to make some other arrangement which would not cost so much money, and I think, Sir, that he will be well-advised in not spending all this money on brick and mortar alone but diverting it towards making better arrangements for the inmates of the jails. Sir, the condition of some of the jails is very bad and the arrangements for the prisoners are far from satisfactory. I shall only mention the case of Berhampore Jail. Only this morning my attention was drawn——

Mr. PRESIDENT: Order, order. Berhampore Jail does not come under this motion.

Mr. SHANTI SHEKHARESWAR RAY: Yes, Sir, it is there (item 3).

Mr. PRESIDENT: It is for mere structural alteration in the female ward of the Berhampore Jail. So you cannot go into the general question.

Mr. SHANTI SHEKHARESWAR RAY: Instead of spending Rs. 15,000 odd on brick and mortar he will be doing greater service to the country and giving more comfort to the prisoners if he spends the money otherwise. I was stressing that point.

Mr. PRESIDENT: If you want to attack this particular item you ought to show that the structural alteration is not required or that it can wait, or that as much money as is asked for is not required.

Kumar SHIB SHEKHARESWAR RAY: On a point of order, Sir. Is not a member entitled to discuss the policy which necessitates such a demand?

Mr. PRESIDENT: The proper time to discuss general policy is when the main demands are before the Council; but when a supplementary demand is brought before the House and money is being asked for a particular purpose or purposes in which no policy is involved those who want to oppose such proposal or proposals can only do so on economic grounds or by way of making suggestions which they may consider to be better than those indicated in the demand.

Kumar SHIB SHEKHARESWAR RAY: Sir, then your ruling is that the policy cannot be discussed.

Mr. PRESIDENT: Yes, you should know that according to Parliamentary practice the debate on supplementary or excess grants cannot touch the policy which was involved in the original grant.

Kumar SHIB SHEKHARESWAR RAY: But here is a question of additional constructions.

Mr. PRESIDENT: That is a demand for some structural constructions. No question of policy is involved in it nor does it bring before the House broad or general questions about jails or the treatment of prisoners, etc. So far as that goes the House should be interested in the constructions that have been foreshadowed in the demand and nothing beyond that.

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. On a motion relating to a grant for jails——

Mr. PRESIDENT: What do you mean by "motion for a grant for jails"?

Dr. NARESH CHANDRA SEN GUPTA: I mean a motion for the grant of a certain sum of money in connection with jail accommodation.

4 p.m.

Mr. PRESIDENT: I should like the House to realise what is sought to be done by the demand now before it. The House would then be able to offer appropriate criticisms with regard to the motion it is asked to consider. If the House does so, I am sure it will be convinced that the policy in regard to jails is much too wide a matter to be brought under a discussion on a supplementary estimate which is restricted to more or less a matter of detail.

Babu JITENDRALAL BANNERJEE: The motion being a motion for a grant, would not a member be justified in urging that the grant itself is not necessary or that the demand covered by the grant might have been profitably used for other purposes, and in doing so, can we not discuss the larger question of policy which underlies this demand for grant?

Mr. PRESIDENT: As I have already pointed out to the House this is a motion for some structural alterations, and as you will admit, it will be more pertinent and more in line with the rules of ordinary debate, if the Chair were to rule that the debate must centre round matters which are embodied in the excess demand and in respect of the amendment relating to the second special jail at Dum Dum. The pertinent criticism with regard to that would be as to whether the amount asked for is larger than what is required or whether the alterations are at all needed or whether they can wait for better times and things like that; the policy that is pursued by the Hon'ble Member in charge of Jails should not come under the purview of this House over this particular motion, although accommodation and convenience in the second special jail at Dum Dum may be criticised in view of the amendment before the House. That is my ruling.

Babu JITENDRALAL BANNERJEE: While bowing to your ruling I beg to submit further: This demand covers various items and if our comments are to be limited to one specific grant, we shall not be able to get an opportunity of discussing the whole question underlying this motion, and I sumbit, Sir, Dr. Sen Gupta's token cut would be a justifiable cover under which the criticisms of Mr. Shanti Shekhareswar Ray can be urged.

Mr. PRESIDENT: As you will admit, the motion—I mean the token cut motion—does not touch the larger question at all. Dr. Sen Gupta complains of insufficient accommodation in the second additional special jail, Dum Dum; he also complains against the overcrowdingness in that jail, but the general policy has not been raised in that motion. I have already given my ruling and I do not think it worthwhile continuing this argument.

Mr. Ray, you can resume your speech now.

Mr. SHANTI SHEKHARESWAR RAY: This unpleasant situation is not my creation; it is the creation of Government. I think the frank and honest course on the part of Government would have been for the Hon'ble Member in charge of Jails to bring forward this demand. But they have not done that, and have allowed the Hon'ble Member in charge of Jails to take shelter behind the Hon'ble Minister in charge of Public Works.

Mr. PRESIDENT: I may explain that you are not right. The Hon'ble Member in charge of Jails does not deal with brick and mortar as you seem to think. He is supposed to deal with questions of policy in the Jail Department. As this demand does not involve a question of policy, but merely a question of structural construction or alterations in certain jails, it has been brought forward by the Minister for Public Works.

Mr. B. C. CHATTERJEE: One would have thought that the Hon'ble Minister for Public Works would have passed on this demand to his Hon'ble Colleague in the Jails Department!

Mr. SHANTI SHEKHARESWAR RAY: As, however, the decision of the Chair is that we cannot discuss anything but brick and mortar I have not anything more to say on that, because I am not an engineer and have no experience in that line.

Mr. PRESIDENT: Order, order, you should not twist my ruling in that fashion.

The Hon'ble Sir PROVASH CHUNDER MITTER: I thank you, Sir, for giving me this opportunity of replying, although the time left at my disposal is only 10 minutes. Two criticisms have been levelled against this demand: Dr. Sen Gupta's criticism is that we are not spending enough and Mr. Gupta's criticism is that we are spending too much; he has pertinently asked for further information about the nature of the expenditure. I may remind the House as well as Mr. Gupta that we circulated a note on this motion, which contains all relevant information. But I would also bring to the notice of the House the figure about the number of prisoners who are intended to be accommodated in the second additional jail. The registered accommodation for the second additional special jail at Dum Dum is 954. But if we wanted to accommodate that number of prisoners in a new building, the cost would have been several times more than what we are asking for now. Fortunately, we have been able to arrange with the Government of India to get some of their old buildings and this sum is wanted for making the buildings habitable and for such structural changes as may be necessary for accommodating some of our jail population there. The jail consists, however, of about 1,000 prisoners and Mr. Gupta, who has long experience in these matters will no doubt agree with me that to build a jail

for accommodating this large number of prisoners and to equip it properly would cost something in the region of Rs. 7 to 8 lakhs. I trust these informations will satisfy Mr. Gupta.

Mr. Shanti Shekhareswar Ray says that the civil disobedience movement is a passing phase and we should not spend too much money for providing accommodation for these prisoners. I hope and trust that the civil disobedience movement is a passing phase, but we are not spending money for the civil disobedience prisoners on the basis that the civil disobedience movement was going to be a permanent political feature of this country. We are spending money to provide for temporary accommodation and the large number of additional prisoners who have been placed on our hands. The items of expenditure are for structural alteration in the second additional special jail, Dum Dum, as also necessary expenditure for making arrangements for water, electric lighting in the existing old building. As regards the structural alteration in the female ward of the Berhampore Jail there is an existing building and we are merely making it fit for the habitation of these female prisoners. Similar is the case with regard to the construction of cells in the Rajshahi Central Jail; a building already exists and we are only making certain structural changes to adapt it to our purposes and requirements. As regards the construction of temporary sheds in the Dacca Central Jail there is, I understand, a high wall which we are utilising for our purpose of providing for additional accommodation and if a permanent structure were to be built, we could not have managed with this small sum of Rs. 18,000, and the number of prisoners who are to be accommodated there, speaking from memory I think, is 500 or so. Therefore, I can assure the House that the accommodation we are asking for is temporary so far as the civil disobedience prisoners are concerned. The civil disobedience movement may after all be a temporary phase of the political movement, but even the civil disobedience prisoners have got to be accommodated, and I know how keen members of this House are on their proper accommodation. Now, if we keep them in a dilapidated building, if we keep them in a building where there is no drinking water or water for other purposes, I am sure their health will suffer. The policy of the Jail Department is that we try to maintain our prisoners in health without hampering them in any way nor do we want to punish them by affecting their health. Let us take, for example, one item, *viz.*, water-supply. That is an item which will cost Rs. 20,712; this is absolutely necessary for maintaining the prisoners in health. It must also be remembered that the number of prisoners is nearly 1,000 and we have to provide sufficient lighting for them which we estimate at Rs. 7,300. This is also necessary for keeping them in safe custody.

As regards the structural alterations to the building, I may remind the House that it is a very old building which has got to be repaired before it is made suitable for human habitation. These, I hope, will satisfy Mr. Gupta's criticisms.

Mr. J. N. GUPTA: For a very long time, Sir, I have had experience of various jails in this province and in view of the fact that the civil disobedience movement is a temporary movement, I should like to ask why a sum of about Rs. 7,300 will be required for electric lighting.

The Hon'ble Sir PROVASH CHUNDER MITTER: We went into the matter very carefully during the first civil disobedience movement and had other alternatives examined, such as Potomax lamps and other oil lamps, but in the end we came to the conclusion that electric lighting would be cheaper than any other lighting arrangements consistently with the safety and health of the prisoners. If my hon'ble friend wants any further information, then I can assure him that I shall gladly provide him with it. But unfortunately my hon'ble friend did not table a token cut on that point else I would have been prepared to deal with it fully.

I shall now deal with Dr. Sen Gupta's point. His point is that the accommodation at the additional second jail at Dum Dum was insufficient, particularly when it was first opened. If I had notice that this particular point would be brought forward on this motion, then I could have dealt with it more specifically and perhaps would have circulated a note on that point. But from inquiries I have made of a general character, just as my friend's comments are of a general character, I do not think the food supply was bad, although the question of food supply does not properly come within the scope of this demand.

Dr. NARESH CHANDRA SEN GUPTA: On a point of personal explanation, Sir, I did not say that the food supply was bad. What I said was that the food supply actually fell short at one time.

The Hon'ble Sir PROVASH CHUNDER MITTER: My hon'ble friend's information may or may not be correct, but it is not possible for me to give information about 20,000 convicts all over the province. However, my information is that the food supply never fell short. If, however, he gives me specific instances of complaint, I can assure him that they will be fully inquired into. If he kindly writes either to the Deputy Secretary or to the Inspector-General of Prisons (sending me a copy of his letter in each case for early action), I promise that his complaints will be fully looked into. But in view of the information in our possession——

(Here the Hon'ble Member reached his time-limit and resumed his seat.)

The motion of Dr. Naresh Chandra Sen Gupta was then put and lost.

The following motion was then put and agreed to:—

"That a token sum of Re. 1 be granted for expenditure of Rs. 1,68,202 under the head '41.—Civil Works—Provincial' in 1932-33 for the works as detailed below:—

	Rs.
(1) 2nd Additional Special Jail, Dum-Dum ...	71,713
(2) Reconstruction of the Mymensingh Jail ...	42,830
(3) Structural alteration in the female ward of the Berhampore Jail	15,659
(4) Construction of cells in the Rajshahi Central Jail	19,700
(5) Construction of temporary sheds in the Dacca Central Jail	18,300
Total ...	1,68,202"

4-15 p.m.

41.—Civil Works—Provincial.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 64,500 be granted for expenditure under the head "41.—Civil Works—Provincial," during the current financial year on the works in connection with the District Jail, Mymensingh.

The necessity for this demand and the details of the work has already been explained in the printed memorandum which has been circulated.

As stated therein, the expenditure of Rs. 42,850 already incurred on the very urgent repairs and reconstruction will be met by reappropriation from the anticipated savings in the existing grant under "41.—Civil Works—Provincial" and the Council is being asked to approve of a supplementary grant of Rs. 64,500.

The motion was put and agreed to.

[At 4-20 p.m. the Council was adjourned for prayer and it reassembled at 4-30 p.m.]

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Opium Smoking Bill, 1932.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to present the report of the Select Committee on the Bengal Opium Smoking Bill, 1932.

Sir, I beg to move that the Bengal Opium Smoking Bill, 1932, as reported by the Select Committee, be taken into consideration.

The motion was put and agreed to.

Clause 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to move that in clause 1 (*3*), in lines 1 to 4, for the words beginning with "in such local areas" and ending with "from any local area," the following be substituted, namely:—

"On such date as the Local Government may, by notification appoint, such date not being beyond two years after the passing of this Act."

Sir, it will be noticed that the words of the clause as they stand leave it entirely in the hands of the Local Government to determine when the Act shall come into force in any local areas and also give the Local Government the power to withdraw the Act from any local area. Sir, that, I submit, is entirely against the principle of the Bill which seeks to control the practice of smoking prepared opium in Bengal, with a view to progressively reduce the practice until it is altogether extinguished. It may not be known to many members of this House that this matter has been the subject of international conversations for a long time before the War, and at the instance of China, I believe, the matter was discussed at a Geneva Convention of which all the nations were parties and at which they agreed to gradually reduce the consumption of opium with a view to its ultimate extinction. In pursuance of this, as a matter of fact, China abolished opium smoking. After the War the matter was taken up by the League of Nations which decided that this practice of opium smoking was a most pernicious practice which ought to be extirpated altogether and all the nations assembled there agreed to extirpate opium smoking. After all that, the Government of Bengal, in 1932, introduces a Bill only for

the purpose of controlling the smoking of prepared opium in Bengal. If the provisions of the Bill are given effect to, for at least one generation more there will be opium smokers in Bengal, but at the end of the present generation it is hoped that opium smoking will be extinct. But there is clause 3 by which it is provided that the Act may not come into operation at all in certain local areas until Government determines that it shall come into operation in that area; and then again, Government may, by notification at a future time, withdraw the operations of the Act from any local area. So, the whole thing is left in an entirely fluid state. Government can, or, if they choose, may not at all help to extirpate this pernicious practice. My amendment seeks to tie down the hands of Government. If my amendment is accepted, this Bill will come into force at once all over the province as soon as the Local Government by notification makes it applicable and it leaves no option to the Local Government to distinguish one local area from another, nor by any means to withdraw this Act from any local area once this Act is passed. If we are really sincere in our desire to secure progressive reduction and ultimate extinction of opium smoking, it is absolutely necessary that the hands of Government should be tied in that way, that they must within two years of the passing of this Act make the Act applicable to the whole of Bengal; and when once it has become law, it shall not be withdrawn from any local area.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I believe, there is some misunderstanding in regard to this matter. We, in the Select Committee, were equally anxious with the Government that this measure should be given effect to as soon as the Bill is converted into an Act, and with that view before us we did not like to put down any time-limit for bringing the Act into operation. If my friend's amendment be accepted by the Council, it may be presumed by some persons that for the next two years Government will not take any active step, but after the expiry of a year and a half measures may be taken for the registration of the addicts, so that the two years' time may not be exceeded. So I do not think it is desirable to accept the motion of Dr. Sen Gupta. The best course will be to urge upon the Government to see that as soon as this Bill becomes an Act, Government must take action in the matter. So far as I remember and from what conversations we had in the Select Committee, I think Government is equally willing with many of us to set this Act into operation and to enforce the prohibition of smoking in this province of Bengal as soon as they have the Act to help them in the matter. Unless we have some reason to suspect that Government intends to delay this matter, I for myself, would not like to impose a time-limit of this kind. In this connection, may I ask the Hon'ble Minister to assure this House that as soon as this Bill is converted into an Act, it will be put into force immediately?

4-45 p.m.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I thank my friend, Rai Dr. Haridhan Dutt Bahadur, for stating what I told him in private conversation, namely, that Government are equally anxious to enforce this Act as quickly as possible as some hon'ble members of this House wish. I find that this amendment of my esteemed friend Dr. Sen Gupta is based on two misunderstandings, namely, he does not know that Government is as anxious as he is to bring this Act into operation, and, secondly, he seems to think that the evil of opium smoking is an all-Bengal problem. It is not so. It is a problem mainly of Calcutta. It is confined to the Chinese population in Calcutta (Question!). Government wants a free hand in enforcing this Act in a particular area, and that is why it is necessary to withdraw it from areas where it is not required. Why this mistrust of Government? I think Government should be trusted and when I, on behalf of Government, give this undertaking to this House that I shall see this Act enforced with the least possible delay, I think the House will accept that assurance because Government is very anxious to see this evil stamped out without any further delay. With these few words, Sir, I oppose this motion.

The motion of Dr. Naresh Chandra Sen Gupta was then put and lost.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was put and agreed to.

Clause 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

The motion was put and agreed to.

Clause 3.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

The following motion was called but not moved:—

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 3, in line 1, the words "not being registered" be omitted.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

The motion was put and agreed to.

Clause 4.

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

The following motion was called but not moved:—

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 4, in line 1, the words "not being registered" be omitted.

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

The motion was put and agreed to.

Clause 5.

Mr. PRESIDENT: The question is that clause 5 stand part of the Bill.

The following motion was called but not moved:—

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 5 the "*Exception*" be omitted.

Mr. PRESIDENT: The question is that clause 5 stand part of the Bill.

The motion was put and agreed to.

Clause 6.

Mr. PRESIDENT: The question is that clause 6 stand part of the Bill.

The motion was put and agreed to.

Clause 7.

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

The motion was put and agreed to.

Clause 8.

Mr. PRESIDENT: The question is that clause 8 stand part of the Bill.

The motion was put and agreed to.

Clause 9.

Mr. PRESIDENT: The question is that clause 9 stand part of the Bill.

The following motion was called but not moved:—

Dr. NARESH CHANDRA SEN GUPTA to move that clause 9 be omitted.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 9, after sub-clause (2), the following be added, namely:—

> "Provided that no person shall be registered unless upon examination by a medical board, to be appointed by the Local Government, it is found by the board that for the sake of the health of such person it is necessary that he should continue his habit of smoking, subject to such limitations as to the time during which the registration should be continued and the quantity of opium which he may be permitted to consume."

Sir, I do not think that on principle there can be the slightest objection to this proviso. As I have said, the world is unanimous in condemning this practice of opium smoking as the most pernicious habit and is endeavouring to stamp it out as quickly as possible. The response which we in this House are making to-day at the instance of the Government of Bengal is to gradually eliminate the habit. What is the reason for this tenderness to the opium smoker who may be registered. The only sensible reason would be that if the opium smoker is suddenly asked to stop the habit he might suffer in his health. The only possible reason for these licensed registered opium smokers to continue smoking is then justified. If that is so, we ought to be sure that the persons who have this privilege of continuing this pernicious habit are declared by a medical board to be such as to require it for medical reasons. If it so turns out that a person has just commenced this habit of opium smoking, then it is desirable that he should not keep up the habit. It will not hurt him in any way so far as his health is concerned to stop smoking opium. There can be no justification for registering him as an opium smoker and letting him continue this

pernicious habit all through his life. Therefore the only ground upon which exemption should be given, the only ground upon which a person should be allowed to register his name should be the ground of his health and that will be determined by a medical board which will examine a person and prescribe the quantity for him, and that is what I want to do by this proviso.

I am somewhat disconcerted, if I may say so, by the opposition of my friend, Rai Haridhan Dutt Bahadur, to the amendment which has just been lost. I thought that he would at any rate be a supporter of any proposal which has the object of hastening the extinction of opium smoking in Bengal, both as a very prominent worker in the cause and as a medical man. But the surprising thing is that having been in the Select Committee, he seems somehow to feel himself committed to the terms of the Bill as settled by the Select Committee. Even then I hope he will not oppose this amendment.

If you look at clause 9, it lays down that the Local Government may by notification make rules providing for the registration of persons who are opium smokers and for their identification; all that is required, in order that a person may be registered as an opium smoker and have the privilege of opium smoking, is that he should be an opium smoker. It does not matter if he has been an opium smoker for two days or ten days, he is entitled to enjoy it and become a registered opium smoker all his life. That is simply trifling with his great problem. It may be necessary to allow confirmed habituals to go on with this habit of opium smoking but that argument need not apply in the case of novices; yet every novice under this section would be entitled to be registered as an opium smoker. On the contrary, if my proposal is accepted, no one will be registered as an opium smoker unless medical opinion is decisive that it is necessary for the purposes of health and life that he should continue to smoke opium. I cannot conceive of any other reason for giving the license which has been sought to be given to the registered opium smokers, and if that is so, I cannot conceive also of any reasonable ground for opposition to this proviso.

Rai Bahadur Dr. HARIDHAN DUTT: It is my unfortunate position to oppose this amendment also. Dr. Sen Gupta has misunderstood me altogether. I was particularly anxious that this most abominable method of smoking opium should be prohibited in every possible way. To ensure that I attempted for some time past in this Council and everywhere else. When I obtained the promise of the Hon'ble Minister to introduce the Bill without delay, I was gratified and thought that smoking of opium was going to end soon. But when Dr. Sen Gupta wants to give Government two years' time, I really cannot understand what he means. We are particularly anxious to hasten the passing of the Bill, but he wants practically to postpone its action for two years.

As regards the other point, Sir, my friend may not be aware that the medical board, of which he speaks, and which is to be appointed by the Government of Bengal, will have to find out that for the sake of the health of the persons, opium smoking will be necessary. I do not know if Dr. Sen Gupta can write that—doctor as he is—but I am sure that no medical man with any sense of responsibility will write a certificate stating that for the sake of the health of the addict opium smoking would be necessary for health. That is the reason why I oppose the amendment.

Sir, when as a matter of compromise between the public opinion of the country and Government we are going to accept a system of registration by which within, say, 20 or 30 years this abominable practice will die out, it is no use putting obstacles like this in the way and make administration of the Act difficult.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Whenever there is a difference of opinion between two experts, the layman is to come in, and I, think, my opinion should be accepted. I perfectly agree with my friend Rai Dr. Haridhan Dutt Bahadur that this amendment of Dr. Sen Gupta is quite impracticable. It will set up a very complicated machinery which will frustrate the object of the Bill.

5 p.m.

It goes against the very principle, it goes against the very compromise which we have accepted as to the very essence of the Bill. No medical man would say that like opium eating opium smoking is good for the sake of health. There is no such opinion from any medical practitioner; so there is no object in referring it to the medical board. This habit of opium smoking, we hope, will cease with the present generation of addicts and we must wait till then. With these few words I oppose the amendment.

The motion of Dr. Naresh Chandra Sen Gupta was then put and lost.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in the second proviso to clause 9, in lines 3 and 4, for the words "after a date to be fixed in this behalf, by notification, by the Local Government," the following be substituted, namely:—"after two months from the date when this Act comes into force."

I am sure that I will be met with the same argument that Rai Dr. Haridhan Dutt Bahadur used when I moved the first amendment. I shall be asked why this distrust? I am a lawyer, I believe in law, I do not believe in assurances of administrators who are here to-day to be replaced by others to-morrow. This Bill leaves the whole thing to Government. Government is to fix a date when it is to come into force, a date after which registration shall not be allowed and so on and so forth. I am perfectly willing to believe that the Hon'ble Mr. Bijoy Prasad Singh Roy will use his best endeavours to bring this Act into operation immediately but, as there is many a slip between the cup and the lip and my friend may find himself in such a position as not to be able to give effect to this Bill when this Act comes into operation, as much as the Hon'ble Mr. Khwaja Nazimuddin has found it in the case of the Primary Education Bill. I, therefore, want to tie the hands of Government to this that no registration shall be allowed after two months from the date on which this Act comes into operation. Even then it gives a very long rope to Government because the time when the Act is going to come into force is in the hands of Government. Nevertheless when once they have put the Act into force it should not grant more than a few months for the purpose of registration. I do not think that this, at any rate, can be objected to. Coming back again to the question of distrust may I ask what Government has done all these years since the Geneva Convention to justify confidence. Has it raised its little fingers to stop this pernicious habit of opium smoking in this country? It has not. After all it has come forward with a Bill in 1932, but what do we find in this Bill? We find that even in this Bill the whole thing is kept in a very fluid condition. It has introduced a Bill which leaves loopholes for escape. That is not the way which invites confidence in its intentions to fight this scourge which ought to be fought. There is every reason to apprehend that although the Bill may be passed it will become inoperative. So I do not think Government will oppose it.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: My friend has a great distrust in Government which I sincerely deplore. I may remind him as well as some members of this House that at their instance I have brought forward this Bill. I promised to them to legislate and the Bill was introduced. The promise was fully redeemed; so where was the ground for distrust. I may assure him, if any further assurance is necessary, that I am as anxious as Dr. Naresh Chandra Sen Gupta to see that this Act comes into operation.

Dr. NARESH CHANDRA SEN GUPTA: I have never distrusted the Hon'ble Mr. Bijoy Prasad Singh Roy.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It is very difficult so long as I am in office to distinguish between me and Government. However, as regards the two months' time which has been suggested by Dr. Naresh Chandra Sen Gupta I may tell him that in Bihar and Orissa two years' time was given. Certainly Government does not want to add to the number of addicts to opium smoking but they want to give a reasonable time. If the time is limited only to two months then it will lead to undue harassment of all people who will fail to get themselves registered within this short time and they will suffer under the provisions of this Act. So I request my esteemed friend, the mover of the amendment, not to press this amendment of his but I will repeat the assurance that although we have given a reasonable time and we will see that this Act comes into operation without any undue delay. With these few words I oppose this amendment.

Rai Bahadur Dr. HARIDHAN DUTT: In view of what my friend has said may I tell the mover of the amendment at this stage that so far as I know six months' time would be necessary from the date of passing of this legislation. Six months' time is given by the department for the registration of opium smokers, and two months' time is not considered enough. We must therefore patiently wait for six months.

The motion of Dr. Naresh Chandra Sen Gupta was then put and lost.

Mr. PRESIDENT: The question is that clause 9 stand part of the Bill.

The motion was put and agreed to.

Clause 10.

Mr. PRESIDENT: The question is that clause 10 stand part of the Bill.

The motion was put and agreed to.

Clause 11.

Mr. PRESIDENT: The question is that clause 11 stand part of the Bill.

The motion was put and agreed to.

Clause 12.

Mr. PRESIDENT: The question is that clause 12 stand part of the Bill.

The following motion was called but not moved:—

MUNINDRA DEB RAI MAHASAI to move that in clause 12, in lines 5 and 6, for the words "to the Collector or to the Magistrate, as the case may be," the words "to the Magistrate" be substituted.

Mr. PRESIDENT: The question is that clause 12 stand part of the Bill.

The motion was put and agreed to.

Clause 13.

Mr. PRESIDENT: The question is that clause 13 stand part of the Bill.

The following motion was called but not moved:—

MUNINDRA DEB RAI MAHASAI to move that clause 13 be omitted.

Mr. PRESIDENT: The question is that clause 13 stand part of the Bill.

The motion was put and agreed to.

Clauses 14 to 19.

Mr. PRESIDENT: The question is that clauses 14 to 19 stand part of the Bill.

The motion was put and agreed to.

Preamble.

Mr. PRESIDENT: The question is that the preamble stand part of the Bill.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in the preamble, in line 2, after the words "Opium in Bengal" the following words be added, namely: "so as to abolish the practice in the course of ten years."

In spite of the disheartening results of the amendments which I have moved I am bold enough to move the amendment, the only object of which is to make this legislature express a pious wish of determining the time after which this pernicious habit of opium smoking in Bengal must cease. Let Government commit itself to that. It is after all a pretty long time within which to really abolish the evil. If this amendment to the preamble is accepted and the Government will find it difficult to exercise powers which have been conferred upon it by sub-clause (3) of clause 1 which enables the Government to withdraw this Act from any area, a provision for which, I am sorry to find, neither Dr. Rai Haridhan Dutt Bahadur nor the Hon'ble Minister has been able to put forward any justification whatsoever. The question is whether we are really serious about the matter or whether we are not, in spite of the protestations of the Hon'ble Minister in this House playing with it. I am sure that when this Bill is passed and is sent up to the League of Nations it will be very difficult to convince that great international body that the Legislative Council of Bengal has been very serious in this matter. But if you add this clause to the preamble it will at any rate carry some amount of hope in the hearts of those ardent reformers who have been crying ever since the time of the Geneva Convention for getting rid of the scourge: All that I want is a pledge on the part of the House and on the part of Government that the practice will be eradicated in the course of ten years. If you put the Act into operation and if you register those persons who are confirmed smokers and not mere casual smokers then I am sure that in the course of ten years opium smoking will cease. It is practicable, therefore, to eradicate this evil within ten years. You must remember that this practice has been eradicated in China all the time we have taken making up our minds to introduce this halting measure of legislation in this House.

5-15 p.m.

Well, the Hon'ble Minister has assured us, although I am afraid he is misinformed there, that there is no problem of opium smoking outside Calcutta. There are none other than the Chinese. I am afraid he is wrong, but nevertheless if that is so, the problem ought to be much easier, because the Chinese are after all foreigners, and if they cannot make up their minds to eradicate this evil in 10 years we must find ways to compel the Chinese to finish with this evil in 10 years or walk out, or perhaps to go to jail. For the sake of the immigrants, non-nationals and foreigners, we cannot allow this pernicious habit to continue and to disseminate it amongst our people. For each opium smoker is a centre for the recruitment of others. You may be perfectly sure, although you may lay down a law that there will be no one except registered smokers, that by the side of the confirmed smokers will be

found a few aspirants for the distinction, who may have a pull at the *hooka* and by that way the mischief will be done; and, although there may be only registered smokers, there will be others to have a smoke with them. And it will be necessary to remember that this will be an offence which will be very difficult to detect. The opium smoker does not make himself a public nuisance like a drunkard, for instance, but simply dozes away in his room. It is only by the utmost vigilance that an opium smoker can be caught. Therefore it is of the utmost importance that we should make the law very stringent and make the evil habit extinct within 10 years. It was by laying down such a programme that the Chinese successfully accomplished the feat of extinguishing this offence in that country and the problem in China was far more complicated than what it is here. She managed to make this habit extinct within a short time and there is no reason why we should not follow the line that was adopted by China.

Mr. NARENDRA KUMAR BASU: Sir, before I speak on the merits of the amendment I must ask leave to register my protest against any member of this side of the House being disheartened because all his amendments have been lost. We are much too inured to our reasonable proposals being rejected to be in any way disheartened. So far as this amendment is concerned, I think Dr. Naresh Chandra Sen Gupta has only to remember that we have just passed all the clauses of the Bill—1 to 19—and the addition of the few words to the preamble, as suggested by him, will go against the other provisions that have been accepted. For example, we have already accepted without amendment clause 9 which provides for the registration of the existing smokers, and if Dr. Sen Gupta's amendment is to be carried and accepted by Government, it will mean that if within 10 years the eradication of registered smokers is not affected, they will have to be deported or killed thereafter. I am sure Dr. Sen Gupta does not contemplate this. The addition of these words will be inconsistent with the other clauses of the Bill which we have passed.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Mr. Basu has anticipated my objections and so I do not think it is necessary for me to repeat them. Dr. Sen Gupta wanted to change the foundation after the building had been constructed.

The motion of Dr. Naresh Chandra Sen Gupta was then put and lost.

Mr. PRESIDENT: The question is that the preamble stand part of the Bill.

The motion was put and agreed to.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that the Bengal Opium Smoking Bill, 1932, as settled in Council, be passed.

The motion was put and agreed to.

The Opium (Bengal Amendment) Bill, 1932.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that the Opium (Bengal Amendment) Bill, 1932, be referred to a Select Committee consisting of—

(*1*) Mr. L. R. Fawcus,

(*2*) Rai Bahadur Dr. Haridhan Dutt,

(*3*) Mr. Narendra Kumar Basu,

(*4*) Babu Satish Chandra Ray Chowdhury,

(*5*) Babu Jitendralal Bannerjee,

(*6*) Maulvi Tamizuddin Khan,

(*7*) Maulvi Nur Rahman Khan Eusufji,

(*8*) Mr. A. F. M. Abdur-Rahman,

(*9*) Maulvi Abul Kasem,

(*10*) Mr. W. C. Wordsworth,

(*11*) Mr. E. T. McCluskie,

(*12*) Babu Amulyadhan Ray,

(*13*) Babu Siddeswar Chaudhuri, and

(*14*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, the Bengal Opium Bill for the amendment of the Opium Act of 1878 which was introduced in this House in the last session and was circulated for eliciting public opinion is now proposed to be referred to a Select Committee. The Bill has been generally welcomed by almost all the public bodies whose views are sought, such as the British Indian Association, the Indian Association, the Bengal Landholders' Association, the Bengal National Chamber of Commerce and others.

As stated in the Statement of Objects and Reasons, the Bill involves no question of policy, and it has been so evolved as to bring it into line with the Bengal Excise Act, 1909 (Bengal Act V of 1909) which has been found to be suitable for the purposes of Excise administration.

As to the provisions of the Bill, reference has been made in the Statement of Objects and Reasons to the salient points. But it may be explained that illicit traffic in opium across provincial boundaries is a very frequent offence. No action under the existing Act can be taken for dealing with persons, residing within provincial territories, who aid or abet commission of offences connected with the traffic in opium. It has accordingly been decided to take legislative measure for rendering punishable a person who, in Bengal, attempts or abets the commission in any place outside Bengal, of any offence punishable under the Opium Act. Necessary provision has been made in a new section 9F under clause 5 of the Bill. It may be added that in order to deal effectively with such offences provision imposing penalties of a deterrent nature should be made. The British law on the subject as embodied in the Dangerous Drugs and Poisons (Amendment) Act, 1923, provides for punishments fine up to £1,000 or penal servitude up to 10 years or both, or on summary conviction fine up to £250 or imprisonment with or without hard labour up to 12 months, or both. The international traffic in opium is a grave world-wide menace and there is every ground for severity.

Provision has been made in the Bill to confer powers of investigation and of granting bail on preventive officers of suitable standing. This should remove one of the most serious defects experienced in the working of the Act. This question involving amendment of section 20 of the Opium Act was thoroughly gone into before and it was considered that this amendment of procedure would mitigate one of the great difficulties experienced in the working of the Opium Act in provinces with advanced excise establishments. It may be noted that in the Bombay Opium (Amendment) Act, 1923 (II of 1923) similar provision has been made with the object of conferring additional powers on Excise and Customs officers already exercised by Police officers under the Code of Criminal Procedure, 1898.

Provision has also been made for the maintenance of case diaries by investigating officers according to the principles underlying section 172 of the Code of Criminal Procedure, 1898.

Mr. PRESIDENT: There are several amendments on paper; but I am informed that the consent of the members mentioned in amendments Nos. 22 to 25 has not been obtained. Consequently those amendments fall through.

The following motion was called but not moved:—

"**Babu SUK LAL NAG** to move that after the name of Babu Amulyadhan Ray the following names be inserted, namely:—

Munindra Deb Rai Mahasai;

Maulvi Syed Jalaluddin Hashemy; and

Babu Suk Lal Nag."

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to.

The Bengal Local Self-Government (Amendment) Bill, 1932.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to present the report of the Select Committee on the Bengal Local Self-Government (Amendment) Bill, 1932.

As there is heavy work in this session I do not propose to ask the House to take this Bill into consideration now.

Dr. AMULYA RATAN GHOSE: On a point of order, Sir, I would like to know whether the consent of all the members mentioned in an amendment is necessary for it to be moved or the consent of some members will do.

Mr. PRESIDENT: It is essential that the consent of members who are mentioned in a motion like the one you have in view should be obtained and when that consent is not obtained it must appear, unless sufficient reasons are given, that the member who has given notice of such a motion is not serious about it. In such cases, the Chair will be absolutely justified in taking such action as I have taken in respect of your motion. Each case, however, must be judged on its own merits. In good cases I generally omit such names as are not supported by the consent of persons concerned.

Dr. NARESH CHANDRA SEN GUPTA: May I ask the Hon'ble Minister when he expects to bring this Bill for the consideration of the Council?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: In the winter session.

The Bengal Suppression of Terrorist Outrages Bill, 1932.

The Hon'ble Mr. R. N. REID: Sir, the time given for sending notices of amendments to this Bill was up to 3 o'clock to-day and I find that the amendments have not been circulated as yet. So I would ask you, Sir, to postpone the consideration of the motion till to-morrow.

Mr. PRESIDENT: I think the suggestion made by the Hon'ble Mr. Reid is very reasonable and should be accepted.

Adjournment.

The Council was then adjourned till 3 p.m., on Tuesday, the 9th August, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 9th August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 114 nominated and elected members.

Oath or affirmation.

The following member made an affirmation of his allegiance to the Crown:—

Babu Benod Behari Sarkar.

STARRED QUESTIONS

(to which oral answers were given)

Bridges in the Bankura district.

*24. **Babu SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the rivers and rivulets that intersect the roads in the district of Bankura are mostly unbridged;

(*ii*) that the unbridged condition of the streams prevents the free movement of the touring officers of the district during the rains causing delay in investigations and inspections when promptness and swiftness is required; and

(*iii*) that the Bankura District Board cannot take up the bridging over of the streams owing to their financial condition?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of supplying funds from the Road Board Fund or from the Motor Vehicles Tax Fund, to the Bankura District Board for the construction of some urgently needed bridges?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) (*i*) Yes.

(*ii*) and (*iii*) Yes.

(*b*) The Road Board Fund can be utilised only for projects of provincial importance. The basis of distribution of the proceeds of the motor vehicles tax has not yet been determined.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state if the road which branches off from the Grand Trunk Road to Raniganj and goes direct up to Puri and which is now considered as a provincial road, should be considered to have some provincial importance?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am afraid I cannot say if it is a provincial road.

Detenus.

***25. Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state how many persons in Bengal, after being tried and discharged or acquitted for the commission of specific offences, have been rearrested shortly after and detained either under the Criminal Law Amendment Act or under the Ordinances since January, 1932?

(*b*) Will the Hon'ble Member be pleased to state whether they have been so detained—

(*i*) on fresh materials cropping up; or

(*ii*) on the same materials on which they were put on trial?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, will the Hon'ble Member be pleased to state why they were put to the expenses, trouble and worries of criminal trial?

(*d*) Are the Government considering the desirability of changing this procedure?

(*e*) Is the Hon'ble Member aware of a feeling that exists that the said procedure has a tendency to shake confidence in the administration of justice?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) Under the Bengal Criminal Law Amendment Act, 1930—20: Under the Ordinance—Nil.

(*b*) In all but two cases orders of detention were passed as a result of fresh evidence arising.

(*c*) Because there was *prima facie* evidence to justify the accused being put upon their trial.

(*d*) As long as circumstances demand it, such arrests will have from time to time to be made.

(*e*) Government are not aware of a feeling such as is described.

Prisoners.

***26. MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to lay on the table a statement showing the latest number of prisoners, male and female—

(*i*) in division I, in division II, and in division III; and

(*ii*) the cost incurred for each prisoner in division I, division II and division III?

(*b*) Will the Hon'ble Member be pleased to lay a statement on the table showing for the last 5 years—

(*i*) how many prisoners in the jails of Bengal have contracted

(*1*) tuberculosis, and

(*2*) other incurable diseases;

(*ii*) how many have turned insane during their detention; and

(*iii*) how many prisoners have died during detention?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) and (*b*) A statement is laid on the table.

Statement referred to in the reply to clauses (a) and (b) of starred question No. 26.

	No. of convicted prisoners in jails on the 23rd July, 1932.		Cost of maintenance of convicted prisoners per head per annum.	
	Male.	Female.	Rs.	a.
Division I	24	1	1,020	8
Division II	561	65	1,020	8
Division III	16,948	329	157	7

No. of convicted prisoners admitted to hospital—		No. of convicted prisoners who have—	
For tuberculosis during the last 5 years.	For other incurable diseases.	Turned insane during their detention.	Died during their detention from all causes.
1927 .. 137 1928 .. 153 1929 .. 131 1930 .. 109 1931 .. 61	Statistics not maintained.	Statistics not maintained.	1927 .. 165 1928 .. 166 1929 .. 146 1930 .. 161 1931 .. 166

Mr. NARENDRA KUMAR BASU: May I ask the Hon'ble Member, regarding this classification, whether it is made or can be altered only if the prisoner himself makes the request to this effect or whether, if his or her friends bring this to the notice of Government, this will be equally allowed?

The Hon'ble Sir PROVASH CHUNDER MITTER: Ordinarily it is not done now. I mean classification is not altered at present by representation from a prisoner's friends or relations. Formerly that was done, but that practice gave rise to certain difficulties for some prisoners who are classified to a higher class objected and several times stirred up agitation against higher classification, on the plea that all so-called political prisoners as such should have higher classification. From this experience our working rule nowadays is that a request for a change in classification must come from the prisoner himself.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state what he means by "cost of maintenance"—I mean what are the items included in this expression?

The Hon'ble Sir PROVASH CHUNDER MITTER: If my friend is particular on this point, I am afraid I must ask for notice. But I think, the main charges are for food and clothing and other incidentals.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be surprised to hear that the diet allowance of a division I prisoner cannot exceed Rs. 200 per annum?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, I shall be very much surprised to hear that.

Babu JITENDRALAL BANNERJEE: That is exactly what we used to get—Rs. 200—a year as a division I prisoner.

The Hon'ble Sir PROVASH CHUNDER MITTER: The diet is not the only thing. There are various other expenses involved in this amount. But if my hon'ble friend wants further particulars, then, instead of discussing this matter in this desultory manner, I shall be quite prepared to furnish him with proper information if he would please call on me or send me specific question to which he wants answers.

Babu JITENDRALAL BANNERJEE: I only want an indication on one point. Does it include the cost of supervision?

The Hon'ble Sir PROVASH CHUNDER MITTER: Very likely, at any rate I cannot say definitely without consulting my papers.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to tell us whether Government is making any investigation into the cases of prisoners who have turned insane, or died during their detention, to ascertain the causes of insanity or death?

The Hon'ble Sir PROVASH CHUNDER MITTER: I think, Sir, that question does not follow from the main question.

Rai Bahadur Dr. HARIDHAN DUTT: Will the Hon'ble Member be pleased to tell us, seeing that the cost of maintenance of a division I and a division II prisoner is the same, what is the difference between division I and division II prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: It is the Jail Code that makes this difference. The difference is mainly in matters of privileges about clothing, interview and so on.

Detenus.

*27. **Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Member in charge of the Political Department be pleased to state how many persons have been arrested in Bengal—

(*1*) under the Ordinances; and

(*2*) under the Bengal Criminal Law Amendment Act,

after they had been discharged by Magistrates or Judges in proceedings taken against them?

The Hon'ble Mr. R. N. REID: (*1*) None.

(*2*) 45.

Allowances of detenus.

*23. **Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that a large number of détenus of Bengal were earning members of their families?

(*b*) How many of them are given family allowance for the maintenance of their families either by the Government of India or by the Bengal Government?

(*c*) How many of them get an allowance—

(*i*) of Rs. 1,000 per month or over;

(*ii*) of Rs. 500 per month or over but less than Rs. 1,000;

(*iii*) of Rs. 250 per month or over but less than Rs. 500;

(*iv*) of Rs. 150 per month or over but less than Rs. 250;

(*v*) of less than Rs. 150 per month?

(*d*) Is the Hon'ble Member aware of a widespread complaint that the allowances granted to the families are inadequate?

(*e*) Is it not a fact that in many cases the allowances granted to the Bengal détenus' families are a fraction of what they used to earn prior to their arrests?

The Hon'ble Mr. R. N. REID: (*a*) and (*b*) 368.

(*c*) (*i*) Two.

(*ii*) None.

(*iii*) None.

(*iv*) One.

(*v*) The remainder.

(*d*) and (*e*) No.

Reverend B. A. NAG: Will the Hon'ble Member be pleased to state how many of these men pay income-tax or used to pay before their detention?

The Hon'ble Mr. R. N. REID: I want to get further information to answer this question.

Reverend B. A. NAG: Will the Hon'ble Member be pleased to state if Government pay the income-tax of those to whom they make an allowance of Rs. 1,000 a year?

The Hon'ble Mr. R. N. REID: I think not.

Municipalities represented by depressed class commissioners.

*29. **Babu AMULYADHAN RAY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state how many municipalities are there in Bengal?

(*b*) Are any of these municipalities represented by depressed class commissioners?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the number of such municipalities;

(*ii*) the number of such commissioners with their names; and

(*iii*) the castes they belong to?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) There are 117 municipalities.

(*b*) and (*c*) The information asked for by the member cannot be furnished without a great expenditure of time and labour, and in the circumstances, Government regret they are unable to furnish the required information.

Babu AMULYADHAN RAY: Will the Hon'ble Minister be pleased to tell us whether he has at all cared to get the information or has relied upon an office note?

(No reply.)

Babu AMULYADHAN RAY: Will the Hon'ble Minister be pleased to state whether he is aware that the depressed classes have got no representation on any of the municipalities?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: So far as I know, Government follow the policy of appointing members representative of the depressed class through nomination. If they cannot come through election, it is not the fault of Government.

Babu AMULYADHAN RAY: Will the Hon'ble Minister be pleased to tell us whether he has ever tried to consider the case of the depressed class at the time of nomination?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Of course Government have.

Transfer of prisoners.

*30. **Babu SATYENDRA NATH ROY:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether any representation was made by the Local Government to the Government of India for the transfer of prisoners to the Government of India?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table copies of the correspondence?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) Government are not prepared to publish any correspondence between this Government and the Government of India, nor are they prepared to disclose any information arising out of such correspondence.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Government grant to Calcutta Society for the Prevention of Cruelty to Animals.

14. **Mr. K. C. RAY CHOWDHURY:** (*1*) Will the Hon'ble Member in charge of the Police Department be pleased to state if the Government contributes any substantial sum to the Calcutta Society for the Prevention of Cruelty to Animals?

(*2*) Is it a fact that Calcutta Society for the Prevention of Cruelty to Animals is maintained mainly from Government grant?

(*3*) What is the total amount of Bengal Government's contribution?

(*4*) Is it the policy of the Government that Union of employees should be formed and registered under the Indian Trade Unions Act, and is it not a fact that Government encourage as far as practicable regular Unions even amongst its employees?

(*5*) Are the Government aware that the Calcutta Society for the Prevention of Cruelty to Animals Employees' Association is a registered Union under the Indian Trade Unions Act from June, 1931?

(6) Has the attention of the Government been drawn to the following notification of the Secretary of the Calcutta Society for the Prevention of Cruelty to Animals, which runs as follows?—

By order of the Executive Committee.

No employees of the Calcutta Society for the Prevention of Cruelty to Animals shall be a member of the Trades Union. Any employee who is now a member of a Trade Union, and continues to be so after the expiry of one month from this date shall be dismissed without further notice.

F. STANLEY,

Secretary and Superintendent.

CALCUTTA,

14th June, 1932.

(7) Will the Government withhold its contribution if its policy in regard to Trade Unions is not followed by the Calcutta Society for the Prevention of Cruelty to Animals? If not, why not?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (1) Yes.

(2) Yes, but Government funds are credited with fines realised through the action of the Society's employees.

(3) The grant for the current year is Rs. 80,000.

(4) Government have formulated no such policy.

(5) and (6) Yes.

(7) Does not arise.

Defaulting revenue-paying estates.

15. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the last two *kists* of the Bengali year 1338—

(i) the number of revenue-paying estates paying a revenue of Rs. 10,000 or so, that have defaulted;

(ii) the number of revenue-paying estates paying a revenue of Rs. 5,000 or so, that have defaulted;

(iii) the number of revenue-paying estates paying a revenue of Rs. 2,500 or so, that have defaulted;

(*iv*) the total amount of revenue that the Government have not been able to realise from the revenue-paying estates mentioned in (*i*), (*ii*) and (*iii*); and

(*v*) the measures of relief and exemptions that the Government in their executive capacity have proposed to afford to *bona fide* cases of defaulters?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*i*), (*ii*) and (*iii*) In January and March last, 5,674 estates and 7,625 estates, respectively, defaulted. Separate figures in respect of estates with a revenue of Rs. 10,000, Rs. 5,000 and Rs. 2,500 are not available.

(*iv*) The information is not available.

(*v*) Government have reduced the penalty charged on payment of arrears and in some cases exemption has been granted on part payment of arrears. Time has also been allowed for payment of cess. Further measures of relief in the direction indicated are not proposed.

Proceedings against presses and newspapers.

16. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing since January to the end of July, 1932—

(*i*) the number of occasions on which actions and proceedings have been taken against presses and newspapers under the Press and Newspaper Ordinances;

(*ii*) the names of such papers and presses;

(*iii*) the nature of actions and proceedings taken in the several cases other than warnings; and

(*iv*) number of times when warnings have been given to newspapers and presses showing the number separately with regard to each press and each newspaper?

(*b*) Why no action was taken under the ordinary law in cases referred to in (*a*) (*i*) and (*ii*)?

The Hon'ble Mr. R. N. REID: (*a*) (*i*), (*ii*) and (*iii*) A statement (marked A) has been prepared and is laid on the table.

(*iv*) A statement (marked B) is laid on the table.

(*b*) Because the ordinary law has been found to be less effective than the ordinances.

Statement A referred to in the answer to clauses (a) (i) to (iii) of unstarred question No. 16.

No.	Name of newspaper and press against which action has been taken in respect of publications coming under section 63 of the Emergency Powers Ordinance of 1932.	Nature of action taken.	Remarks.
1	The Hind, Calcutta ..	Security of Rs. 1,000 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	
2	The Excelsior Art Press, Calcutta.	Security of Rs. 1,000 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931	Exempted and order withdrawn.
3	The Benu, Calcutta ..	Security of Rs. 1,000 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	
4	The Basanti Press, Calcutta ..	Security of Rs. 1,000 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	
5	The Banglar Vani, Dacca ..	Security of Rs. 1,500 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	On representation exempted from the deposit of security.
6	The Sahafat, Calcutta ..	Security of Rs. 500 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	
7	The Bengal Art Syndicate Press, Calcutta.	Security of Rs. 1,000 demanded under section 3(3) of the Indian Press (Emergency Powers)Act of 1931.	On representation security reduced to Rs. 500.
8	The Saogat Ltd. Press, Calcutta	Security of Rs. 1,000 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	On representation exempted from the deposit of security and order withdrawn.
9	The Nari Gaurab, Calcutta ..	Security of Rs. 1,000 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	
10	The Vedic Press, Calcutta ..	Security of Rs. 1,000 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	On representation security reduced to Rs. 500.
11	The Lokmanya, Calcutta ..	Security of Rs. 2,000 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	On representation security reduced to Rs. 1,000.
12	The Lokmanya Press, Calcutta	Security of Rs. 2,000 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	On representation security reduced to Rs. 1,000.

No.	Name of newspaper and press against which action has been taken in respect of publications coming under section 63 of the Emergency Powers Ordinance of 1932.	Nature of action taken.	Remarks.
13	The Vihari, Calcutta ..	Security of Rs. 500 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	
14	The Vihari Press, Calcutta ..	Security of Rs. 500 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	
15	The Chasimanur, Calcutta ..	Security of Rs. 1,500 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	
16	The Calcutta Printing Works, Calcutta.	Security of Rs. 500 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	
17	The Jamhoor, Calcutta ..	Security of Rs. 1,000 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	
18	The Arjya Printing Works Press, 24-Parganas.	Security of Rs. 2,000 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	
19	The Jewan, Calcutta ..	Security of Rs 1,000 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931	
20	The Jewan Press, Calcutta ..	Security of Rs. 1,000 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	
21	The Bijoya Press, Midnapore ..	Security of Rs 500 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	
22	The Karkhana, Newspaper, Calcutta.	Security of Rs. 500 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931	
23	The Ananda Bazar Patrika ..	Security of Rs. 1,000 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	
24	The Ananda Press ..	Security of Rs. 1,000 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	
25	The Vaidic Press, Midnapore ..	Security of Rs. 500 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	
26	The Amrita Bazar Patrika ..	Security of Rs. 3,000 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	
27	The Amrita Bazar Patrika Press, Limited.	Security of Rs. 2,000 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	
28	The Daindik Basumati ..	Security of Rs. 500 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	

No.	Name of newspaper and press against which action has been taken in respect of publications coming under section 63 of the Emergency Powers Ordinance of 1932.	Nature of action taken.	Remarks.
29	The Basumati Electric Machine Press.	Security of Rs. 500 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	
30	The Har Har Mahadeo ..	Security of Rs. 1,000 demanded under section 7(3) of the Indian Press (Emergency Powers) Act of 1931.	
31	The Shibaji Press ..	Security of Rs. 1,000 demanded under section 3(3) of the Indian Press (Emergency Powers) Act of 1931.	
		Forfeiture.	
32	The Dainik Nayak (Newspaper)	Security of Rs. 500 forfeited ..	Subsequently orders withdrawn on representation.
33	The Liberty (Newspaper) ..	Out of the security deposit of Rs. 3,000, Rs. 500 forfeited.	
34	The Indian Daily News Press	Ditto .	

Statement B referred to in the answer to clause (a) (iv) of unstarred question No. 16.

	Names of newspapers.	Dates of warnings.
1.	The Bangavani	9-1-1932, 4-3-1932, 2-5-1932 and 16-5-1932.
2.	The Lokmanya	9-1-1932 and 3-2-1932.
3.	Viswamitra	9-1-1932, 12-1-1932, 27-1-1932, 3-2-1932, 5-2-1932, 19-5-1932 and 6-6-1932.
4.	The Dainik Basumati	9-1-1932, 11-1-1932, 2-2-1932, 10-2-1932, 1-4-1932, 12-5-1932 and 11-6-1932.
5.	The Amrita Bazar Patrika ..	8-1-1932, 9-1-1932, 29-2-1932, 11-5-1932 and 2-6-1932.
6.	The Ananda Bazar Patrika ..	8-1-1932, 20-1-1932, 5-2-1932, 15-3-1932 and 6-5-1932.
7.	The Nayak (Daily)	15-1-1932, 5-2-1932, 11-3-1932, 4-5-1932 6-5-1932 and 6-6-1932.
8.	The Advance	12-1-1932, 29-1-1932, 20-2-1932, 6-5-1932, 4-6-1932 and 6-6-1932.
9.	The Mohammadi	20-1-1932 and 1-2-1932.
10.	The Hitavadi	1-2-1932.
11.	The Pravasi	3-2-1932.
12.	The Viswavani	3-2-1932.
13.	The Voteranga	30-3-1932, 1-4-1932, 22-4-1932 and 6-6-1932.
14.	The Hanafi	6-2-1932, 19-4-1932 and 4-6-1932.
15.	The Barisal	6-2-1932.
16.	The Deshervani	16-2-1932.
17.	The Hijli Hitaishi	25-2-1932.
18.	The India To-morrow	29-2-1932 and 23-4-1932.
19.	The Liberty	12-3-1932 and 5-5-1932.
20.	The Marwari Brahman	11-3-1932.
21.	The Asre-Jadid	19-3-1932.
22.	The E. B. Ry. Labour Review ..	23-3-1932.
23.	The Azad	21-3-1932 and 17-6-1932.
24.	The Karkhana	29-3-1932.

Names of newspapers.	Dates of warnings.
25. The Al-Muslim	29-3-1932, 6-6-1932 and 11-6-1932.
26. The Hind-e-Jadid	31-3-1932.
27. The Watan	31-3-1932, 29-4-1932 and 17-6-1932.
28. The Weekly Aman	19-4-1932.
29. The Jewan	8-4-1932.
30. Dainik Bharat Mitra	23-4-1932, 28-4-1932 and 20-6-1932.
31. The B. N. Ry. Employees Journal ..	23-5-1932.
32. The Free Press of India	23-5-1932.
33. The Anjali	20-6-1932.
34. The India and the world ..	20-6-1932.
35. The Bharat Mitra	20-6-1932 and 23-6-1932.
36. The Ahle-Hadis	21-6-1932.
37. The Shariyatte Islam	21-6-1932.
38. The Jasohar	9-7-1932.

Thatched hut in mohalla Tikiatolli, Dacca.

17. Mr. A. K. FAZL-UL HUQ: (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that there is a thatched hut in *mohalla* Tikiatolli in the town of Dacca;

(*ii*) that the Muhammadans claim it to be a mosque; and

(*iii*) with respect to this hut some Hindus have got a decree for *khas* possession?

(*b*) Is it a fact that to avert any breach of the peace which may result in case the Hindus put the decree into execution, the District Magistrate of Dacca undertook to settle the matter by arbitration?

(*c*) Is it a fact that as a result of the arbitration, the District Magistrate has suggested to the Muhammadans that they should purchase the land for Rs. 1,500 and that an undertaking should be given that the Muhammadans must not use the hut as a mosque?

(*d*) Is it a fact that the Muhammadans having signified disapproval of the condition attached, the District Magistrate has threatened several leaders with externment unless they accepted the District Magistrate's decision unconditionally?

The Hon'ble Mr. R. N. REID: (*a*) (*i*), (*ii*) and (*iii*) Yes.

(*b*) Yes.

(*c*) The terms of the compromise have not yet been decided nor has the exact amount of compensation been fixed.

(*d*) No.

Khan Bahadur MUHAMMAD ABDUL MOMIN: With reference to answer to clause (*d*), will the Hon'ble Member be pleased to state whether some Muhammadan leaders were externed from Dacca on this account or on account of their political activities?

The Hon'ble Mr. R. N. REID: I ask for notice.

Khan Bahadur MUHAMMAD ABDUL MOMIN: As regards the latter part of clause (*c*) that an undertaking should be given that the Muhammadans must not use the hut as a mosque, has any such undertaking been given?

The Hon'ble Mr. R. N. REID: Yes.

Small-pox epidemic in the Kurigram and Gaibandha subdivisions.

18. Kazi EMDADUL HOQUE: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware of the spread of small-pox epidemic in the Kurigram and Gaibandha subdivisions from April till July last?

(*b*) What measures did the Government take to combat the pestilence?

(*c*) How many deaths occurred and how many lives were saved?

(*d*) Is the Hon'ble Minister aware that there is curative medicine for pox in homeopathy?

(*e*) If so, have the Government made any arrangement to distribute homeopathic medicines?

(*f*) If not, are the Government considering the desirability of giving homeopathy a trial in the Kurigram and Gaibandha subdivisions where the prevalence of pox is still in existence?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) No Government action was necessary, as the local authorities did all that was required.

(*c*) A statement giving the information wanted is laid on the table.

(*d*) Government are advised that there is no effective homeopathic remedy against small-pox.

(*e*) and (*f*) These questions do not arise.

Statement referred to in the answer to clause (c) of unstarred question No. 18.

	Number of persons.		Number vaccinated.		
	Attacked.	Died.	Primary.	Secondary.	Contacts.
Gaibandha ..	55	4	6,158	12,626	3,195
Kurigram ..	83	17	8,129	26,532	3,089

Kazi EMDADUL HOQUE: Will the Hon'ble Minister be pleased to state from whom the Government got that advice?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: From their medical advisers.

Babu JITENDRALAL BANNERJEE: That is from the practitioners of an antagonistic school.

Mr. PRESIDENT: That is an argument; you must put your question in the proper form.

Babu JITENDRALAL BANNERJEE: All right, Sir. I will ask that question in another manner. May I ask whether the medical advisers who gave him this advice belonged to the Allopathic or the Homeopathic School of Medicine?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I cannot answer this question without further notice.

Kazi EMDADUL HOQUE: Will the Hon'ble Minister be pleased to state the source of information supplied, with regard to answer (*c*)?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Local bodies.

Kazi EMDADUL HOQUE: Will the Hon'ble Minister be surprised to hear that the figures supplied do not even represent the number of cases in a single family?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Well, Sir, the figures are the figures supplied by the district board and we have got to depend on them.

Reduction in the police force.

19. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it has come to his knowledge that as many as a dozen or more policemen, including some sergeants and inspectors, run from the police-stations with a view to arrest one or two non-violent civil disobedient persons?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what are the reasons for engaging so many policemen?

(*c*) Is the Hon'ble Member aware of a feeling that exists that the authorities employ more policemen than what is actually necessary to check the movement?

(*d*) Has the Hon'ble Member ascertained that the movement has now lessened in intensity and seriousness?

(*e*) If so, are the Government considering the desirability of reducing the number and strength of the police force in the province?

The Hon'ble Mr. R. N. REID: (*a*) No.

(*b*) Does not arise.

(*c*) No.

(*d*) Yes.

(*e*) While the civil disobedience movement has lessened in intensity, the situation is not yet such as to justify a reduction in the police forces.

GOVERNMENT BILLS.

The Bengal Suppression of Terrorist Outrages Bill, 1932.

The Hon'ble Mr. R. N. REID: I beg to introduce a Bill to provide for suppressing the terrorist movement in Bengal.

[The Secretary then read the short title of the Bill.]

Mr. NARENDRA KUMAR BASU: I beg to oppose this motion, and in doing so I shall give my reasons.

Mr. PRESIDENT: I think it would be better if you spoke after the Hon'ble Member, because there is in reality no motion before the House; probably you would like to hear what he has got to say before you make your observations.

The Hon'ble Mr. R. N. REID: Sir, before moving the reference of this Bill to a Select Committee, I beg to request that the name of Babu Jitendralal Bannerjee be substituted for that of Mr. N. K. Basu. I beg to move that the Bengal Suppression of Terrorist Outrages Bill, 1932, be referred to a Select Committee consisting of—

(*1*) Reverend B. A. Nag;

(*2*) Khan Bahadur Maulvi Azizul Haque;

(*3*) Rai Sahib Sarat Chandra Bal;

(*4*) Babu Jitendralal Bannerjee;

(*5*) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur;

(*6*) Rai Bahadur Kamini Kumar Das;

(*7*) Mr. W. H. Thompson;

(*8*) Maulvi Abul Kasem;

(*9*) Khan Bahadur Muhammad Abdul Momin;

(*10*) Mr. H. J. Twynam; and

(*11*) the mover,

with instructions to submit their report within a week from the date on which this motion is carried in Council and the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, I do not think I need labour the case to explain why these special measures are necessary. The revolutionary conspiracy is always before us and the overt acts which result from that conspiracy are only too frequently thrust upon our notice. To go no further back than December, 1931, we have—

the murder of Mr. Stevens at Comilla on December 14th;

the attempt on Sir Stanley Jackson on February 6th at the Senate House;

the murder of Mr. Douglas on April 30th at Midnapore;

the murder of Capt. Cameron on June 12th at Patiya at Chittagong;

the murder of Babu Kamakshya Prasad Sen on June 27th at Dacca;

the fatal attack on Mr. Ellison at Comilla on July 29th; and

finally only a few days ago the attack on Sir Alfred Watson on August 5th.

This list alone, I submit, following as it does the long list of outrages in 1931 and 1930, justifies Government in viewing the situation as a grave one which requires special measures to combat it. Crime of an abnormal nature and on an abnormal scale must be met by abnormal measures.

The ordinary law cannot cope and is not designed to cope with a revolutionary conspiracy whose ultimate object is the subversion of law and order and whose weapons are the revolver, the bomb and the dagger. Nor need I labour the point that terrorism is condemned and abhorred by all right-thinking men. We are all agreed on that. It was only yesterday that this House joined with me in such an expression of condemnation with reference to the murder of Mr. Ellison and the attempted murder of Sir Alfred Watson.

The present Bill is based on what is known as the Bengal Ordinance of 1931 which was applied to Chittagong in December last. At the risk of being tedious, I think I should explain to the House the history of that and subsequent similar enactments as it has a bearing on the necessity for the present legislation. The situation at Chittagong towards the end of 1931 was such that action was called for in order to try and evict the absconders of the Raid Case, which took place on the 18th April, 1930, from their hiding places and to restore the prestige of Government; to show that Government was determined to use its resources to deal with the revolutionary conspiracy; to give encouragement to those would-be supporters of authority who were intimidated into silence, and to obtain peace and security in the district. To this end they obtained the consent of the Governor General to promulgate the Bengal Emergency Powers Ordinance of 1931 and this was done on 30th November, 1931. It consisted of two parts. Chapter I conferred special powers designed to strengthen the hands of the executive in searching for and arresting the absconders and in general in dealing with the activities of revolutionaries; and Chapter II contained provisions designed to ensure speedy trial of cases of offences arising out of this movement. That Ordinance remained in force for the usual period of six months. There is no doubt that the special powers it conferred, combined with the measures taken to strengthen the local forces with police and military, did much to restore the situation. I may add that I have some personal knowledge of this as I went to Chittagong a month before the Ordinance came into force and remained there until the end of March. I cannot claim that it led to the immediate arrest of the absconders—it did not—but the steady pressure which the district authorities were able to exert is, we are convinced, having its effect and I personally have no doubt that the capture and death of Nirmal Sen and another wanted man last June was a result of this steadily exerted pressure. But the necessity still continues. A number of absconders are still at large; the danger from them and others still persists. When a district has suffered for so long as Chittagong has from a feeling of insecurity, it requires a considerable time to restore peace and order.

The six months' period of the first Ordinance which was numbered Ordinance XI of 1931 was due to expire on 31st May and as that time approached, it was apparent that conditions had not so changed as to

make it possible or desirable to carry on without it. Conditions had improved greatly, but the absconders were still at large. Government then reviewed the situation and came to a decision which was shared by both sides of Government that the special powers conferred by the Ordinance were still needed. Meanwhile, however, the Emergency Powers Ordinance had been issued on January 4th in order to deal with the fresh declaration of civil disobedience and that Ordinance, as every one knows, extended to the whole of Bengal except the Chittagong Hill Tracts. It was decided, therefore, that there was no need, with this in force, to enact again all the powers conferred by the Bengal Emergency Powers Ordinance, as this need was met by the provisions of the Emergency Powers Ordinance. All that was done was to promulgate on 28th May last a short Ordinance, No. IX of 1932, which supplemented the Emergency Powers Ordinance, where necessary, and this was followed on 20th July by Ordinance XII which filled up another small gap. The position remained the same when the Emergency Powers Ordinance of 1932 was replaced by the Special Powers Ordinance of 1932 on 30th June last. That Special Powers Ordinance was applied at first to all Bengal districts except 11. It will expire at the end of December and it is in order that Government may still be in possession of special powers as against terrorism that I am asking you to-day to accept this Bill. The present Bill reproduces the provisions of the original Bengal Emergency Powers Ordinance with some differences and I do not think I need add to the explanation of its contents which is contained in the Statement of Objects and Reasons now in the hands of members of this House. As that statement says, the main departure from the Ordinance of 1931 is one in Chapter II, *i.e.*, the omission of a reference to tribunals composed of High Court Judges.

I would point out that the Bill, if passed into law, will apply in the first instance so far as Chapter I goes only to Chittagong, but will be brought into force elsewhere if and when occasion arises. So far as Chapter II goes, it will apply to all Bengal. This Chapter provides for special magistrates for the speedy trial of cases.

3-30 p.m.

Next, the period of the Bill is coincident only with the Bengal Criminal Law Amendment Act, *i.e.*, it will expire when that Act expires, unless the situation demands that it shall be renewed.

So much for the Bill and its history. As to its principle, its principle is to take special powers to deal with a special situation. It is said that enactments such as these are merely piling repression on repression and are evidence of the bankruptcy of Government's policy. That I deny. It would have been evidence of bankruptcy if Government had

thrown up its hands and said they could do no more. But they have not done that. If existing measures have failed or are inadequate, it is their plain duty to try other measures and to go on trying. This they are doing and will do. It is a duty they owe to the public and to themselves and one which they have no intention of avoiding. And, I would ask, have any really constructive proposals been put in by any one as alternatives to replace the measures of suppression which Government have undertaken? I must confess I know of none. I have seen writing in the papers about a "spirit of challenge"—a challenge which is said to permeate this Bill. Who has issued the challenge? Not Government. Government challenges no one unless they challenge Government. But Government must and will take up the challenge to its authority, to its existence, such as the revolutionaries have thrown down. It would be failing in its duty if it did not do so, and in taking every means it can to deal with this menace to society, it is taking means to preserve not only its own existence, but the existence of future governments of this country as well. What would be said of a Government if it shelved the question because the form of Government was on the point of being changed, and left to the new constitution a country in disorder, a country running on the wrong lines? That, I think, is a point that is worth pondering over. For the terrorists and their organisation are not going to disappear as if by magic the moment the new constitution comes into being, and law and order pass into the hands of responsible Ministers. Knowing that, must the existing Government not do all in its power to ensure that the administration they are handing over is one armed with all the powers that their experience has shown to be necessary to prevent this revolutionary conspiracy from getting the upper hand?

I have been asked by some of my friends whether this legislation is not going to be very troublesome and harassing to law-abiding people. My experience of Chittagong was that law-abiding people had nothing to fear and to suffer from that enactment. Not a single complaint ever reached me, or as far as I know, any other district authority, as to misuse of the powers under these Ordinances. In fact, no law-abiding person need be frightened, just as these terrible Ordinances have not led to any ordinary peaceful citizen being put to real inconvenience.

Sir, I do not think I need take up the time of the House further, except to appeal to all members and to all parties to combine with Government in their efforts to contend with a conspiracy which they all condemn, and which is fraught with so much danger and so much disaster to the community.

With these words, I beg to move that the Bill be referred to Select Committee.

Mr. NARENDRA KUMAR BASU: I beg to oppose this motion, because I think that this Bill is not the right remedy which the Government has chosen, and that it will not have the effect that the Government wants it to have. As Mr. Reid has pointed out only yesterday, all sections of the House joined in condemning acts of terrorism. Sir, that condemnation is as strong to-day as it was yesterday, but it is because I feel that the remedy chosen by the Government is not the proper remedy that I rise to oppose this motion for reference to Select Committee. Sir, it has been said that the Ordinances promulgated since May, 1931, and since January, 1932, and earlier also have had very good effect. The very good effect of these Ordinances has been given to the Council by the long list of crimes read out by Mr. Reid himself. Sir, I think that if there was any question of these Ordinances having had any salutary effect upon the terrorist organisation, then I, for myself, would have supported the present Bill even though, as I shall presently show, it is a Bill which cannot but be anathema to any lawyer trained in the English system of jurisprudence. I submit, Sir, that so far as the question of suppressing terrorist crime is concerned, which, as Mr. Reid has stated, is the object for which the Local Government wants these special powers, it is as clear as anything that the Ordinances have failed in achieving that object. It is said that since December, 1931, terrorist crime has gone up by leaps and bounds, and I challenge Mr. Reid or anybody else to say that previous to that, the incidence of revolutionary crime was as great as it has been during the last few months. And what is this due to? I submit, Sir, that it is due not only to these Ordinances, but what is really the source of these Ordinances and the source which Mr. Reid has mentioned, it is the so-called attempt to restore the prestige of Government. For the last two or three years we have had repeated statements from the Government Benches to the effect that these un-English laws are not liked by anybody. We have had this statement, if I may be permitted to say so, from the authors of these Bills and enactments when explaining the necessity which drove them to produce these Bills. But Government memory is short. Only about this time last year, in fact, on the 3rd of August, 1931, Mr. Prentice himself, the then Home Member, said this: "Then, we have the other aspect of the case—the terrorist revolutionary movement. That movement not only persists, but I am afraid we must admit too that it has spread. The general unsettlement caused by the civil disobedience movement has opened up a new recruiting ground for the apostles of terrorism and made the work of attacking this movement much more difficult. There again, I do not say that the civil disobedience movement or the political situation is alone responsible for this situation." "I am perfectly certain myself," says Mr. Prentice, "that the economic situation has a great deal to do with it not only because of the people being thrown out of employment, but the educated

bhadralok, when he leaves school or college, finds it impossible to obtain employment. I am perfectly certain that steady employment is one of the most potent factors that may be of great help in getting rid of this real danger to the country. At present, unfortunately, there is little chance of getting steady employment, and wages are being cut. There is a general reaction and strain. Having nothing else to do, these young men consent to take part in outrages which are a real menace and a disgrace to the State." I would ask what, apart from getting the Governor General to promulgate these Ordinances, the Government of Bengal has done on the lines stated by Mr. Prentice, should be done. Has there been any attempt to grapple with this question of unemployment in Bengal? It is, Sir, no use saying we have only this weapon in our armoury, be it forged in the heights of Simla or Darjeeling, or that we have only these repressive measures to cope with the present situation. Mr. Reid was touchy about what certain friends of his said, that there was bankruptcy in the statesmanship of Government. I say that, apart from any bankruptcy in statesmanship, you have ceased to function entirely. You cannot govern a country by Ordinances alone; you have absolutely ceased to function, you have nothing else to do. But if I may say so, you have slavishly hit upon certain most un-English Ordinances, forged in the heights of Simla or Delhi and sent down, to be carried in the Legislative Council. Will the Legislative Assembly pass a Bill containing sections like those contained in this Bill? I would like to know what any Legislative Council in the world would say to a law which allows the Local Government, as I shall presently show, Sir, to delegate to an officer of the police or any officer in the military, to take hold of any land or building belonging to anybody and turn him out, and then only gives power to the collector that he may, on the application of a person who has suffered, give such compensation as he thinks reasonable. He may pay compensation, it is not obligatory, and then such compensation as the collector thinks reasonable.

Then, Sir, if you go to clause 5—"If in the opinion of the District Magistrate any product, article or thing, or any class of product, article or thing, can be utilised in furtherance of the purposes of this Act, the District Magistrate may, by order in writing, require any owner or person in charge of such product, article or thing, to place it at the disposal of Government." What is the purpose of this Bill? "To suppress the terrorist movement, therefore, any product, article or thing which may be utilised for the purpose of the terrorist movement,....." We do not know what is meant by this; it is so beautifully stated.

Then, Sir, so far as vehicles are concerned, the District Magistrate may "by order in writing, require any person owning or having in his possession, or under his control, any vehicle or means of transport to take such order therewith for such period as may be specified in the order."

Then the District Magistrate can regulate means of transport but "may require the assistance of any landholder or any member, officer or servant, of any local authority or any teacher in any school, college or other educational institution to assist in the restoration and maintenance of law and order and in the protection of property in the possession or under the control of Government or of any railway administration or local authority in such manner and within such limits as the District Magistrate may specify." Then, Sir, there is this beautiful provision in clause 12: "Any authority on which any power is conferred by or under this chapter may authorise any person to enter and search any place" for various reasons, and what is the first reason for which a man can enter it—"to ascertain whether it is necessary or expedient to exercise such power." Sir, this is the sort of provision that we, as a legislative body, are seriously asked by the Hon'ble Home Member of the Government of Bengal, to pass, because, forsooth it was in Ordinance IX of 1931, clause 12.

I need not read any more sections of this Bill because, my submission is, that all of them are open to objection from a lawyer's point of view. If the Hon'ble Member had said that what we are asking for, or going to give you, is martial law and no damned nonsense, we can understand that, but what is the use of asking a Legislative Council to pass a Bill of this description? The power of a special magistrate to pass any sentence other than the sentence of death or transportation in the *mufassal* is subject to appeal, but why is a magistrate in Calcutta sacrosanct? Why this should be, I fail to understand.

3-45 p.m.

Then again, as I was saying in the first chapter of the Bill, certain powers are given to the Local Government. By section 16 the Local Government may invest the District Magistrate with the powers of the Local Government and the District Magistrate may, subject to the control of the Local Government, delegate the powers so vested in him to any police officer not below the rank of Deputy Superintendent or any military officer not below the rank of a Captain. The Local Government may invest any police officer of the same rank with the powers of a District Magistrate and the District Magistrate may, by order in writing, authorise any civil or military officer to exercise any of the powers of the District Magistrate. Therefore, even though you begin by reserving certain powers to the Local Government, it comes to this that any civil or military officer may exercise any of the tremendous powers given by this Bill and we must approve of this Bill because, forsooth the Government of Bengal in its wisdom knows of no other way to check terrorism. I wish to ask the members of the Government to remember what happened for a short period before 1931 and before the so-called national Government came into existence

in England. That I am not drawing any exaggerated picture will be apparent to any one who reads the latest article in the *Daily Mail* over the signature of the Hon'ble Mr. Winston Churchill. I will, with your permission, read only three or four sentences. Talking of the new House of Parliament he says: "The underlying but dominant influence of the Parliament, Tory as no Parliament has been since 1661, has increasingly ruled the outlook of the Government..... After a little kicking and squealing, which soon became perfunctory, the Liberal and Socialist free traders have accommodated themselves to the responsibility of making Great Britain once again a thoroughly protectionist country." A little further down he says: "When the Prime Minister met the new House of Commons in December, he had no idea of introducing a permanent general tariff, and he bade 'au revoir' to Mr. Gandhi in terms of affection 'My dear Mahatma.' He induced the House of Commons to pass a vague general resolution intended to keep alive in the minds of the Indian political classes all those absurd ideas of dominion status and a democratic constitution which had frothed up from the Round Table Conference." Then after two or three paragraphs we find. "The Conservative Secretary of State for India, supporting and perhaps animating a competent Viceroy, arrested Mr. Gandhi almost as soon as he landed in India. He levied a resolute and uncompromising war upon terrorism, lawlessness and sedition throughout the Indian Empire. He punished civil disobedience. He forbade the Congress to assemble. He locked up most of their leaders and twenty or thirty thousand of their rank and file."

Mr. W. H. THOMPSON: On a point of order, Sir. Is the member in order in reading these extracts from newspapers?

Mr. PRESIDENT: I do not generally allow long extracts from newspapers to be read out; but, Mr. Basu informed me that he would read certain authenticated remarks of Mr. Churchill. I, therefore, allowed him to do so. I do not expect him to read more of that stuff. As regards its relevancy, it is very difficult to form an opinion till I see what use Mr. Basu is going to make of the passages he has quoted.

Mr. W. H. THOMPSON: With your permission may I point out that Mr. Churchill is not a member of the British Government? I do not think he is a responsible person.

Mr. NARENDRA KUMAR BASU: The last sentence which I am going to quote is "By these indispensable measures the authority and part of the prestige of the Imperial Government in India were speedily restored." I say that if Mr. Churchill is not a member of the Government to-day, he is one of the most influential men of the Tory block and

he has shown, from the extracts I have read, that the present national Government is completely under the control of the Tory party and has been more under the control of the Tory party than it has been ever since 1661. Therefore, it does not matter whether Mr. Churchill is a member of the Government or not. Mr. Churchill is voicing the opinion of the Tory party which is now ruling in England and which directs the policy of Government out here and you have a resume of that policy. Mr. Reid in this Council says that this Bill is designed to restore the prestige of the Government. A further reason why I read out these extracts is that since December, 1931, these essential weapons to deal with revolutionary crimes, as Mr. Reid has pointed out, have come into existence and they have come into existence because of the dictation of the Tory party. I submit that if the Government of Bengal had only followed what the then Home Member had himself said in August, 1931, that one of the true ways to repress terrorism is to find employment or rather to diminish unemployment and, acted upon it, they might have reckoned on our support to those measures, but this sort of a Bill is an insult to any legislature in the country where the English system of jurisprudence prevails and that reason at least ought to have prevented them from bringing forward this Bill.

Mr. W. H. THOMPSON: That I shall say that on behalf of the European group we support this measure of Government, you know before I say anything, but it is not to be concluded from that that I have nothing to say. There are a number of people in Bengal, and among the caste Hindus at least a large proportion, who sympathise with these terrorists. (Cries of "No".) There was undoubtedly in the past a larger number of people who felt some sort of admiration for what these young men were doing, for recklessness of a type that was not expected in a Bengalee. There is reason to think nowadays that those whose sympathies with these terrorist crimes went no further than that have begun to realise that by the events of the last few years the terrorists have brought much more evil than good to the fair name of Bengal. To those sympathisers who remain no argument in favour of the Bill is worth making. But there are a number of other people who ask themselves, is it absolutely necessary that all the provisions, the very strict provisions, that have been included in this Bill must remain there, whether every precaution has been thought of by those who drafted this Bill, whether they have given due consideration to every possible precaution which can be added so that there shall be the minimum inconvenience to the unconcerned public and no more hardship than is absolutely necessary to those persons who have been known to associate with the criminals, but who may not have actually dabbled in crime. But this is no argument for rejecting the Bill. For the consideration of these point there can, I think, be no

better method than the usual method of a reference to the Select Committee. There are particularly two reasons, to my mind, why we cannot reject the Bill. The first of these reasons is that we cannot expect in a case of so far-reaching a conspiracy to get to the bottom of it and eradicate it in a short time. As Mr. Reid has said, these Ordinances can only do their work by the cumulative effect of the pressure which it is possible by the use of the Ordinances to bring on the revolutionaries. The effect of these Ordinances has been by no means to put Government in such a position, that it can properly defend its servants. The terrorists can apparently get any one they want to get. I can think for the moment of no case in which the life of a person has been saved except by the intervention of good fortune. The attack on Sir Alfred Watson the other day failed on account of this good fortune and if any party can be said to be the saviour of Sir Alfred Watson's life, it is the Calcutta Corporation which without any intention of doing so, I am sure, left an unmended pothole in the road.

The other reason why it is so necessary to continue the pressure of the Ordinances is the effect that this type of crime is having on the institutions of the country.

4 p.m.

The Chittagong armoury raid was unique in the history of Bengal—unique in that it revealed an unmistakable trace of the model of the Chicago gunmen, and, Sir, I submit that to allow the development of the gangster system to go on in Bengal is a matter of very serious danger to the State. As Mr. Reid said, none of us must imagine that if the last Englishman is killed your terrorists will give themselves over for the rest of their life to good works. Democracy in America is 200 years old and yet it is quite obvious that with all the experience of 200 years the Government of the United States has entirely failed to tackle the problem of the gangster. What chance will an infant democracy in Bengal have in the same circumstances? We, people in Calcutta, Sir, have little idea of the effect which the repetition of these outrages is having in the *mufassal*. Only yesterday I had a letter from Comilla in which among other things I learnt that my old friend Bhudar Das, the leader of the Bar, had called a meeting of condolence for the murder of Mr. Ellison. But youths with Congress flags paraded the streets of the town before the meeting with the result that the meeting was a failure as decent people were afraid to attend. Perhaps the worst effect which the repetition of these crimes has had in Chittagong and in other parts of the country is the paralysis or semi-paralysis of the judiciary.

There have been a number of cases of the sort, but may I refer to the case of the murdered inspector of police at Chittagong? In that case the High Court, which certainly, Sir, has no bias in favour of the executive, found that the verdict of not guilty given by the majority

of the jury was due to the misdirection of the judge. Well, Sir, the poor man has had several threatening letters and he was insulted in the court throughout the proceedings, and may have lost his nerve.

Mr. PRESIDENT: I do not think you should reflect on the conduct of a court of justice.

Mr. W. H. THOMPSON: As you wish, Sir, I will not refer further to such matters. Sir, we realise the difficulties of the Government. When the Bill goes to the Select Committee, it will be our duty not only to consider such points as are raised by those who wonder whether the provisions are too stringent, but to put our heads together and see if there is anything else which can be added which will be of assistance in this emergency. It is difficult—almost impossible—to suggest anything now. In the Bill almost all the provisions which could be used seem to be included.

It was quite right that in the case of Dhalghat a collective fine was imposed on the villagers. For two years the revolutionaries had used that house on and off in which Captain Cameron was killed. The whole village must have known about it and the fine was to be levied upon them, because they gave no information. But, Sir, the danger in such a case is that the unlettered villager will say to himself: "We are fined because dacoits have been found in our village; another time we will give no information and the Government will not find it out." It is information which Government wants most of all.

Mr. Basu has complained, Sir, of the bankruptcy of Government: that this is not the right remedy; but there is not a word from Mr. Basu as to what the right remedy is. He has complained of unemployment. The first cure for unemployment, Sir, an avenue in which there would be a bigger opening for educated young men than any other possible opening that I can suggest is the introduction of the Primary Education Bill and recruitment of a large number of school teachers; this, Sir, the landlords of Bengal have succeeded in putting off. (Question!) I submit, Sir, that we cannot but support the Government in the only remedy which has so far been put forward.

Mr. J. N. GUPTA: Sir, in rising to say a few words on the subject of the present Bill I fully realise the heavy responsibility which rests on me and on every member of the House who wishes to take part in this debate. Sir, we realise that Government is faced with a very grave emergency and it is the duty of every one of us to do everything in our power to help Government to overcome that emergency, and to establish the authority of law and order. Sir, it was only yesterday that all sections of this House joined in a unanimous chorus of condemnation of terrorism. My friend Mr. Basu expressed in beautiful language what

the feelings of Indians are about this form of crime. He said that it has been condemned by all our past sages. He may well have added that it has been condemned also by the great leader of Indian nationalism of the present day, I mean Mahatma Gandhi, because it goes against the very spirit of the doctrine of *ahimsa* which he so strenuously preaches. Sir, I was pained to hear Mr. Thompson's remark that the Hindus as a body (A VOICE: caste Hindus)—well it does not matter whether it is caste or non-caste Hindus—have secret sympathy for this form of crime. We, Hindus, caste or no-caste, are all united in condemning such acts, and I am sorry Mr. Thompson should have made this insinuation. Sir, our position is this: while we realise the great danger with which the whole of society is faced, while we realise that not only terrorist crime is increasing, but that contempt for law and order is spreading into every walk of life, that crime of every description is increasing in an alarming degree, that, therefore, while it is our duty to help Government in every possible way, we submit that Government have so long relied solely upon weapons which have failed to achieve the objects which all of us in common have in view. As Mr. Basu has pointed out, even from the figures quoted by Mr. Reid himself, it seems, and it is undoubtedly a fact, and a matter of common knowledge, that terrorism, far from being suppressed or even brought under control by these methods, is raising its hydra head and is becoming a more dangerous menace every day. If that is so, Sir, and it cannot be denied that it is so, then I say that it is time that we pause and ponder to reflect what really is wrong. Those methods on which we have been relying up to now seem to have failed in achieving the object for which they were designed.

Sir, the best statesmen of England, not only visionaries and theorists, but men like the late Viceroy whom we all consider to be the greatest Viceroy that England ever sent to India, the present Under Secretary of State for India, who, though young, is considered to be one of the most promising statesmen in England—well, Sir, they have openly said that to combat political trouble, the cure must be political. If that be so, is not Mr. Basu justified in asking the Government of Bengal what have they done besides arming themselves with powers, ordinary and extraordinary, to combat this evil? They should have brought forward other measures of a political nature, or it may be economic, simultaneously with these extraordinary powers and these ordinances for combating this dreadful evil of terrorism. Sir, I am sure that we all realise the difficulties of the Government of Bengal—their financial difficulties and other difficulties—but all the same we feel that they have not made any serious efforts in looking to other directions than the only direction of arming themselves with ordinary and extraordinary powers. Sir, since the year 1905, when terrorism first made its appearance in Bengal, the Government of Bengal have taken upon themselves power after power, extraordinary and ordinary.

4-15 p.m.

The whole financial resources of the province are at their disposal and they have not stinted themselves in any way in making use of those financial resources. Then, why is it, Sir, that after 30 years a state of things has come about which is much worse than it was before? Sir, it does not require any stretch of imagination to see that when young men go out maddened with a sort of frenzy and with a passion—for God knows what—when they do not care for their own lives, but go out with a revolver in one hand for their victims and deadly poison in the other for themselves, the fear of ordinances and deportations to the Andamans will not have much deterrent effect on such desperate men. So we must find out some other emollient. It is because I have some practical suggestions to make to Government that I am standing here to-day. I do not deny that extraordinary powers are necessary. But in view of what Mr. N. K. Basu has read out from the Bill, we all realise that the Bill, as it stands now, will require considerable revision. But I say—why not do something else also which will stimulate all sections of the community to spontaneous co-operation to help you to fight this malady? Government must be fully aware that it is by the spontaneous, genuine and sincere co-operation of the people, that these terrorist outrages can be exterminated. The late Governor of Bengal openly said so and every administrator must feel its truth. Therefore, I say: why do you rely on Ordinances only rather than take a statesmanlike view of the situation and adopt such other measures as will show to the people that there is a change in the angle of vision of Government and that they are prepared by every means in their power to conciliate them and help them? First of all, Sir, may I ask why is it necessary in Bengal, as has been done elsewhere, to mix up the campaign against terrorists with the campaign against the civil disobedience movement? The civil disobedience movement was never a serious menace in Bengal If it was necessary in the Punjab and Bombay to take punitive measures against this movement, I most strenuously hold that it was not at all necessary to take the same measures in Bengal. Government may say that it may not have caused them serious trouble in the past but that they anticipate trouble and, therefore, it is necessary for them to follow the all-India policy of fighting the civil disobedience movement. But, Sir, if men like Mr. J. M. Sen Gupta and others are going to be confined indefinitely without trial—men whose worst enemies could not charge them with supporting or favouring terrorism——

The Hon'ble Mr. R. N. REID: I would submit, Sir, that civil disobedience movement does not come in under this Bill.

Mr. PRESIDENT: I might point out that any reference to the civil disobedience movement would be out of order unless you have at the back of your mind the intention to prove that by their actions against that movement Government have in a manner been contributing towards the growth of terrorism in Bengal. Unless you are able to show that, unless you really intend to develop your argument on those lines, you cannot refer, at this stage, to civil disobedience.

Mr. J. N. GUPTA: I was just going to say that by not segregating the terrorists and confining punitive measures against terrorists only, Government have in a manner alienated the active co-operation of all right thinking men. If you imprison men for civil disobedience in Bengal without trial for an indefinite period of time, you can never expect right thinking men to give you really genuine and spontaneous help. My only object in making this observation is that the terrorists should be treated separately from those other forms of disregard for law as civil disobedience as there is no justification for taking the same action in such cases. Government in pursuing this policy have made a very serious blunder in my opinion, and thereby have lost the sympathy of the people.

Mr. PRESIDENT: Your argument is that these are contributory causes?

Mr. J. N. GUPTA: Yes, Sir, I would very earnestly request the Home Member to see whether he will not like to rouse the enthusiasm of the people by taking the wise policy of releasing men whose sympathy and co-operation they want, more urgently now than at any other time, to fight the terrorists. If we make up our minds, Mr. N. K. Basu, myself and others, for instance, to go out into the country and advise young men not to eschew terrorism and ask the people to help us, they would report and say: why, if Government want our co-operation, should they lock up our leaders without any trial? So you see, Sir, situated as we are, we are powerless. Unless Government release the leaders whom they have imprisoned for civil disobedience and for helping the Congress, we cannot do anything. So Sir, it would be a very wise and statesmanlike policy on the part of Government to fight terrorism by segregating the terrorists from the civil disobedience prisoners and not alienate the sympathy of everybody by taking such action. The first constructive suggestion that I make is that terrorists should be segregated. The second constructive suggestion is the suggestion which Mr. B. C. Chatterjee has so often made, namely, that it is now very necessary to place an Indian Minister in charge of law and order. It might be considered a very inopportune moment for considering such a proposal but, Sir, I think the moment is most opportune, however acute the evil of terrorism may be just now.

It is the people of Bengal, Sir, who are primarily concerned in the matter and I think Government will be doing a very wise thing in placing an Indian Minister in charge of law and order. This will have to come, Sir, sooner or later and in view of the express desire of the House to reduce the size of the cabinet, it will be an excellent opportunity for the Government to reshuffle all the portfolios and place law and order in charge of an Indian Minister. It will prove at once that Government have decided to take every reasonable step which lies in their power to conciliate the people and are prepared to trust Indians to fight a disease which is really their concern more than that of anybody else. The third and the last constructive suggestion which I will make is that Government should at once take steps to place before young men a proof of their genuine desire to help them, and to wean them from their present ways by finding useful and honourable occupations for them. Such proposals have been made before, but the Government have always pleaded the lack of funds and consequently we have made no progress. So I would seriously suggest to the Government that they must at once set apart some money for the object of initiating experiments in every division of this province to start dairy farms and other suitable industries by which young men can honestly earn their living. By taking all these steps Government will be able to show to the people that they are prepared to meet their wishes, to encourage them and to help them, and then, I am sure, they will succeed in arousing such genuine spirit of co-operation in the people that these extraordinary powers will no longer be wanted. We have made such suggestions before, but up till now our suggestions have fallen on deaf ears. Now that we have a Governor, who, it will not be impertinent for me to say——

Mr. PRESIDENT: Mr. Gupta, you need not go into that.

Mr. J. N. GUPTA: I hope, Sir, that Government will seriously consider my suggestions for grappling with the situation.

Mr. PRESIDENT: Before I adjourn, I should like to give some directions to the House, so that I may experience no difficulty in regulating the debate and in keeping it within proper limits. Strictly speaking, it should be the endeavour of the opposition as well as of the supporters of Government, to stick to the provisions of the Bill and criticise the principles underlying them.

But at the same time, I do not know if the Hon'ble Member in charge of the Bill is anxious to have suggestions from the members of this House, on a much wider scale, to achieve the end he aims at by his Bill. I should like to know his mind when we reassemble.

[At 4-35 p.m., the Council was adjourned for prayer and it reassembled at 4-45 p.m.]

The Hon'ble Mr. R. N. REID: Sir, before we continue the discussion, I should like to state, with reference to the remarks you, Sir, made just before the adjournment, that I should only be too glad to hear any constructive suggestion for suppressing the terrorist movement.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, are we now discussing the question of referring the Bill to Select Committee? Having passed the introduction of the Bill on a motion for reference to the Select Committee, I think under the ordinary rules the amendments should be taken up.

Mr. PRESIDENT: We are now discussing the principles of the Bill and the amendments will be taken up later.

Mr. NARENDRA KUMAR BASU: Is it quite correct, as the Hon'ble Home Member has stated, that on a discussion of this particular Bill it is either open or relevant for any member of this House to offer constructive suggestion for suppressing terrorism in Bengal?

Mr. PRESIDENT: I do not think that in a matter of special urgency and importance like the one under our consideration at the moment, it can rightly be objected if discussions without practical suggestions are offered. I do not, however, mean that every one should trot out his favourite and familiar scheme, but if members have any practical and constructive suggestion to make, worthy of consideration by this House, I think they may be permitted to do so in view of what has fallen from the lips of the Hon'ble Member in charge of the Bill.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move, by way of amendment, that the Bill be circulated for eliciting public opinion thereon by the 31st August, 1932.

Sir, I hope to base my motion on simple and at the same time convincing grounds. My first ground is that we are far away from the day when the Ordinances in question will expire, *viz.*, the 27th of November, 1932, and on the 29th of December, 1932. So, we have a long time yet to see what the effect of the working of these Ordinances is. If the effect of the working of the Ordinances in the meantime be not favourable, *i.e.*, if the menace still grows, the Hon'ble Member will have a stronger case to ask this Council to pass the measure. But, on the other hand, if the working of the Ordinances show that matters

have calmed down, I think there will be a strong case for not continuing this drastic measure. That is the first ground on which I would urge that the Bill be circulated for public opinion.

Sir, my second ground for circulating this Bill is an important one, and that ground is really for the purpose of eliciting public opinion as such. Recently, as we know, our late Governor, Sir Stanley Jackson, is reported to have said in England that if there was one weapon with which terrorism can be suppressed, it is public opinion and public opinion only. You should have public opinion at your back, and I believe there is no one in this House who will doubt his authority to speak on the subject, having been in touch with the affairs in Bengal for five years and having been one of the most sympathetic rulers that ever came to Bengal. If that be so, the question of questions is to have public opinion with you and in that case you cannot introduce this measure in a hole-and-corner fashion—I say hole-and-corner, because I believe that a measure like this should not be sprung upon us as a surprise without giving any time to the public to express their opinions on it or on the several provisions of the Bill and to consider what their effect would be on the general situation of the country. Why do you not introduce this Bill a month before the expiry of the Ordinances? What is the reason of rushing it through this Council and what is the hurry for it, as you have got several months more to see what the effect is on the situation in Bengal? A promise has been made of provincial autonomy and the promise is nearing fulfilment, and we can wait and see as a result of that whether the situation calms down. If, in the meantime, things go on as ever, then, of course, there will be, as I have said, a case for continuing these drastic measures. If things do not turn out favourable, there will be reason for continuance of this measure. Government have themselves admitted that such measures are as distasteful to them as they are distasteful to us. Sir, it is said that these measures will not touch the law-abiding people. My experience, however, is to the contrary. My main objection to a drastic measure like this is that its effect on the ordinary citizens is that they do not feel secure. In the past, the Council insisted that there should be a committee of officials and non-officials to investigate into the working of these Ordinances. In that case two things would have transpired; first, we could have known all the underground causes of all these troubles which are operating and the manifestations of which we find in the regrettable incidents. These causes might be, as some have said, due to economic conditions or political reasons and also as others say these are mostly acts of private vengeance and retaliation. I think that there may be truth in all these. It may that these may be partly due to economic or political causes and partly they are acts of political vengeance and retaliation. In the case of outrage on officials, perhaps it is apparent that some spirit of vengeance actuated these acts. As an instance, I might

mention the outrage committed on Messrs. Lowman and Hodson; I have thought over the matter very carefully and I think that unless there were the Dacca riots, these would not have happened.

5 p.m.

The loot and arson that occurred in these riots stir the feelings of these young men. Consequently these young men become misled, misguided, and as a matter of fact, they want to take vengeance in a way which is not of course justified. It may be that some of these outrages were committed because of the oppression done by the victims of these outrages and such cases should not certainly be treated as purely political. In some cases, of course, these outrages have been committed purely out of a political motive. This we cannot deny; but if an investigation is made into the causes of these outrages, it will probably be found that the situation has been to a certain extent aggravated by these drastic measures being introduced and enforced without sufficient safeguards. But in spite of all this, we have not been able to induce the Government to make any kind of investigation into the matter. We have asked for an investigation as to how the Ordinances and the Criminal Law Amendment Act have worked. Our experience is that ordinary police officers, when vested with extraordinary powers such as the Ordinances confer on them, forget and disregard all restraints of law or commonsense. In their anxiety and being intoxicated with powers they have worked the Ordinances in such a way that they have embittered the feelings of all honest citizens in the land. Citizens who were at one time actively on the side of law and order have now been driven to lose all active interest in politics, because they find that the Ordinances claim more victims out of innocent people than out of real terrorists and criminals. They have asked, with the best of intentions and motives, that the conduct of the police in working these laws should be investigated into, but Government has not paid any heed to their request. I do not like to refer in detail to the incidents of oppression by the police, but if incidents are required, I might cite a glaring one which happened within the precincts of the Judge's Court at Mymensingh where young boys were beaten mercilessly for simply saying *Bandemataram*. The District Judge came out and asked the police not to beat the boys in such a way. Everybody present in the court took it as an insult to the dignity of the court. That is what the executive and the police have been reduced to, and that is why we want investigation into these matters before deciding to continue these measures. No wonder, as Harold Luski says, in his "Democracy in Modern State," that the exercise of such extraordinary powers dehumanises the officials and demoralises the people and makes the advance of democracy impossible. In these extraordinary measures Government have vested ordinary

executive officers with almost unlimited powers, and their reckless exercise is demoralising the officers of the Government and demoralising the people—conditions under which no constitutional democracy can thrive. This has been the result produced in the whole country on account of the working of these extraordinary measures apart from the question of their intrinsic merits or demerits.

Sir, you have not succeeded during these years in killing terrorism by all your repressive measures. Terrorism cannot be killed by any of these harsh measures. It can be scotched and killed by healthy public opinion created on all sides. Do you think, Sir, that repressive measures will be able to seriously deal with the question of terrorism? They rather create and extend the field for terrorism. Every day we find respectable persons are being arrested on charges of murder or dacoity on no other tangible evidence than that they are connected with the Congress. Young men of *bhadralok* class have been confined in jails for months together on the most frivolous charges brought against them. Some of these people even have no connection or sympathy with the Congress, but their only fault is that they have national aspirations beating in their hearts. These people are taken hold of by the police and kept in confinement for three or five or six months and then let off. What is the impression of the people who have been witnessing such working of these extraordinary laws? Alienation of public opinion in short is the result. I ask you to ponder seriously over this. If this is the result of the working of these Ordinances, then you cannot say that ordinary citizens need not be anxious about the working of the measures. It is no good saying that the Act will be restricted in its operation against persons who have any connection with the terrorist conspiracy. We have found in the past that it was not so. I do not know who the terrorists are; they seem to be roaming at large. Persons who are suffering from the operations of these laws are young boys reading in schools and colleges, mere boys who might have for some reason or other incurred the wrath of the spies or the police. Then you have muzzled the press. If you are going to exercise these extraordinary powers, then you ought to provide safeguards against their abuses. You do not know how they are working. You have no opportunity to know the mistakes made by your own officers, because you have muzzled the press. The Hon'ble the Home Member is here responsible for these Acts and repressive measures, and he is no doubt anxious that they should not be misused. I do not doubt his sincerity, but he cannot be aware of the actions of his subordinates unless there is somebody to tell him. The press is the only body who could have thrown light on the misdeeds of the subordinate officers, who could have shown that in certain cases they have misused their powers, who could have kept the public and the Government informed as to how things were going on. You have shut out the only light available to you and have made the task difficult even for you. It is only those who

suffer who know where the shoe pinches. With the sword of Democles hanging on everybody's head, none dares to come forward with his complaints and grievances. As a matter of fact, I may say without any fear of contradiction, that honest public opinion is not with you in these drastic measures. Public opinion will be quite willing to assist you in your desire to stamp out terrorism if you help its creation by a sympathetic handling of the situation, because terrorism does not affect you so much as it does us. So long as there is terrorism, we feel that there is no safety even in our own homes, and we cannot have real democracy until terrorism is entirely rooted out. With terrorism in our midst we cannot express ourselves and move about freely. The coming reforms will be totally wrecked if terrorism goes on unchecked; so it is in our interest that it should be suppressed. But I beg to submit that the method adopted by the Government is not the right method. So far as these drastic measures are concerned, we, the people, have a right to look into the matter and to see how the laws and Ordinances have worked so long and what other measures are appropriate. I may again warn you, Sir, that public opinion is not with you in the legalising of these lawless measures, and if public opinion is not with you, then in the words of Sir Stanley Jackson, there is no means of killing this terrorism, however much you may try, however much you may desire, with the help of these measures. Therefore, if you have some regard for public opinion, you should circulate the Bill for public opinion and invite public criticism and constructive suggestion, and invite all to come and help you in your desire to stamp out terrorism. Various suggestions have been made on the floor of this House at various times, they should receive your closest attention. If you are conscious that you will soon be called upon to make over the government of the country to the representatives of the people, then the future administration should be left with unfettered discretion to meet all emergencies in its own way. Sir, I appeal to you not to misundertand us. Nobody has any right to say that the Hindus are in sympathy with the terrorists. Look at our traditions, look at our past history, from the beginning to the end; you will find the creed of violence never found home here. I appeal to you to look at the questions broadly and sympathetically, and I would ask the Hon'ble the Home Member not to further embitter public feelings by introducing these drastic measures at this time in utter disregard of public opinion. With these words, Sir, I commend my motion for the acceptance of the House.

Mr. PRESIDENT: There are two other amendments more or less identical, and I do not think that they need be moved. The movers of those amendments might speak on the amendment now before the House. I wish that there should be one discussion with regard to all these motions.

5-15 p.m.

Mr. SHANTI SHEKHARESWAR RAY: Mr. President, Sir, I shall not repeat the stock arguments in favour of the circulation of a Bill for eliciting public opinion thereon. The Ordinance on which the Bill is based has been in existence for over six months and the opinion of the people of this province as far as it has been able to find expression is well known. The measure has been universally condemned. An Ordinance is a temporary measure and its life is generally expected to last for a period of six months, though in this instance it has been extended for a further period as a new Ordinance with certain changes. In the case of an Ordinance the people have to submit to it as a necessary evil and they have the consolation that the responsibility in the matter does not rest upon their shoulders. For the result of such measures—good or bad—the only person responsible before God and man is His Excellency the Viceroy. I submit, Sir, it is not fair on the part of the Government to attempt to saddle us, the Legislative Council, with any responsibility for an extraordinary measure of this nature at this stage. It is as bad as asking a civil servant of the Government to discharge the duties of a military officer. Let me be a bit more explicit. If the situation calls for the declaration of martial law, please do it in the proper way. Please entrust the work to the Military Department. As a civil administration admit your failure. After all be honest. I want the Government to realise that the proposal to invest their civil servants with military powers is likely to demoralise them for all time to come. I press for circulation of the Bill with a view to create public opinion in support of the measure. More than once an appeal has been made by the Ruler of the province in Bengal for support of the public to the measures of the Government for crushing the terrorist movement. It has been admitted that without public opinion behind the Government the task of eradicating the evil is a hopeless one. But how are you going to rally public opinion in your support? Is it by rushing measures of this nature through the legislature that you hope to enlist public support? In case of urgency you can ask for an Ordinance. You have got one. Then why are you in a hurry? I am inclined to think that the Government are conscious of the moral weakness of their position. In desperation they have come to the Council for support. Suppose we pass the measure in one week's time, what will be the result? We know for certain that the people of this province are against this measure. If we give our assent to the measure without the approval of our constituencies, we shall be simply stultifying ourselves. We shall be betraying the confidence that has been placed in us. Let me be frank, we are opposed to this measure. In asking for a circulation of the Bill, I am giving the Government and their supporters an opportunity to enlist the support of the public by placing all relevant facts before the people of this province. The Government of Bengal are in possession of the Bengal Criminal Law Amendment Act, the

Ordinance—the whole lot of these extraordinary measures. They will add another to their armoury. But I again ask what will they gain? Have they been able to suppress the terrorist movement? Is it not a fact that the movement is spreading in leaps and bounds? Is it not a fact that the Government look on helpless when one by one their officers, Indian and British, are being hunted down? Sir Alfred Watson of the *Statesman* must feel grateful for the messages of sympathy and congratulation that have been pouring on him from high quarters. But I wonder what he thinks of the Government of Bengal and their Police Department. From all reports to hand he should feel more thankful for the "pot hole" in his compound than to the detective abilities of the Calcutta Police. We are sometimes told that but for these measures the situation in Bengal would have been worse. I do not know what stories have been cooked up for the benefit of the Government of Bengal by their underlings in the police force, but this much is apparent to any independent observer that the remedy so far employed instead of decreasing the malady is day by day increasing the same. The terrorist movement is spreading in its intensity, it is not confined now against the Government servants alone. I shall not indulge in criticisms. I shall suggest one thing. I know suggestions from us, the non-official members, are liable to be ignored as coming from irresponsible persons. That is the attitude of all mutual admiration societies like the Government of Bengal. They are inclined to think that all wisdom, all sense of responsibility, all administrative ability is now concentrated in the Government of Bengal. Perhaps in a moment of generosity they may concede similar virtues to the Government of India. But the rest of the world, particularly non-official members of the Bengal Legislative Council, are all irresponsible critics. As I suggested in a resolution which did not come up for discussion, the Government should appoint a committee of officials and non-officials to inquire into the causes of the spread of the terrorist crimes in the province and to suggest remedies for the same. The Government officials have the facts before them, they have to deal with realities of the situation. The non-officials have got ideas. They can examine the facts with a fresh outlook. Perhaps by their joint efforts the officials and non-officials may hit upon the right course. Why are the Government so reluctant to accept our suggestion? Is it a question of expense? I think not. A committee of this nature will not cost much. Then what can be their objection? It is perhaps a false sense of prestige. How can they take members of the Council into their confidence? How can they share responsibility in the matter with the non-officials? This is the mentality of the Government of Bengal and we are so fond of talking of responsible Government!

Sir, we cannot afford to discuss the subject with an air of unconcern. I feel that the movement is gaining such strength that no one can just look on. I find youths belonging to the most respectable families in

Bengal—some of them *kulin* Brahmins of the highest class—have been convicted of terrorist crimes. Among these I have got a cousin sister's son, Amalendu Bagchi, who has been sentenced to seven years' rigorous imprisonment and a son of a sister-in-law who has got two years' rigorous imprisonment in connection with mail robbery cases in Rajshahi. Accepting for the moment that these youths are really guilty of the offences of which they have been convicted, the question which naturally comes up in my mind is—why these youths admittedly of high status in Hindu society take to such course of conduct? They do not do so for want of money; what it is that is driving them to such lengths? The prosecution version is that these youths indulge in dacoities with a view to raise funds for the liberation of the motherland. Of course when a dacoity is committed, the Government of the land must do all it can to suppress such crimes. And for the purposes of meting out justice to evil doers, there is ample provision in the ordinary laws of the land. What is troubling me is this. Why respectable youths have come to entertain that belief that they are rendering great service to the motherland by committing such crimes? Why are they taking to murder and violence to achieve their purpose? I have given the matter considerable thought and I have come to the conclusion that these men have taken to this course in despair. They feel that there is no justice in the land and that they are justified in taking the law into their own hands. With this conviction they are even prepared to lay down their lives. In this situation I submit that a legislation of this kind cannot at all be helpful. It will further create bitterness among the people. It will help to send more recruits to the other side. My own view is that the paramount necessity of the hour is that every effort should be made to remove this feeling of despair. Every effort should be made to uphold and re-establish that high tradition of justice which successive generations of British administrators have built up in this country. I must frankly admit that for the last two months a feeling has crept upon me that there is no justice in the land. The other day His Excellency the Governor of Bengal——

Mr. PRESIDENT: You need not go into that. You are treading on dangerous ground.

Mr. SHANTI SHEKHARESWAR RAY: In the course of his speech the Ruler of the province spoke at Dacca——

Mr. PRESIDENT: Why do you refer to that?

Mr. SHANTI SHEKHARESWAR RAY: The point that I was going to make out was that the announcement he made gives a ray of hope——

Mr. PRESIDENT: Order, order. You need not do that; it does not matter whether it is a praise or a denunciation.

Mr. SHANTI SHEKHARESWAR RAY: I most emphatically declare that I was not going to praise His Excellency, but what I wanted to say was that the policy indicated by him at Dacca was the right policy.

Mr. PRESIDENT: I will not allow you to digress in that particular fashion. It is not desirable to make any personal reference to His Excellency. You shall have to abide by my decision or resume your seat.

Mr. SHANTI SHEKHARESWAR RAY: I submit most respectfully to your decision. In conclusion, I will only say one word. I hope that the Hon'ble Mr. Reid, Member in charge of the Political Department, has heard of the cry "blood for blood." I say that he cannot stop that cry but can stifle it by proscribing certain pamphlets. If he wants to stop that cry, he must raise the administration from the low level to which it has sunk and place it on a basis of justice.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: The crucial point of to-day's debate is not the introduction of the Bill or the reference of it to the Select Committee but the point should be whether the law should come in force or not. Even if the Bill be passed by the Council, even if it becomes an Act, if it be not in force, in operation, it becomes a law on paper and should be thrown into the waste paper basket. It has been said, in the Statement of Objects and Reasons, that the Bill would be in operation after the expiry of the Ordinances, in the month of December, that is to say, after a period of five months. It may be said that within this five months it may not be necessary for the Act to be brought into operation and the situation of the country may so improve that it might not be necessary that the law should be in operation at that time. So I humbly submit that the Hon'ble the Home Member should give us the assurance that before the Act came into operation, the Government should consider the question in all its aspects whether it should be put into operation or not. As it stands, the new law will come into operation automatically after the expiry of the corresponding Ordinances. The Home Member should announce on behalf of the Government that the law should not come into force automatically, but regard should be had to the condition of the country at the time of bringing it into operation.

With regard to this Bill I may say it is in a crude state. There are many clauses that should be amended and improved on the anvil of the Select Committee. I do not like to go into the details of the Bill clause by clause, but I say that there are various clauses that require to be amended and improved in the Select Committee to which it is going to be referred. I am sorry for the remark made by Mr. Thompson. He has cast a reflection on the caste Hindus as a class. He has no justification to do so. I strongly protest against it. I am still more sorry for what he has said about the land-owning classes in general. If he had gone into the fact and closely followed the debate on the Primary Education Bill, he would have seen that the landholders supported the Bill so far as the object of the Bill was concerned, but they only suggested another way of taxing the people. They did so in the interests of the tenants and not of themselves. If he had gone into the thing, he would have seen that what was payable by the tenants was far greater than that payable by the landlords. As a matter of fact, the tenants at the present moment have to pay road and public works cess and their objection was that this tax should be levied on other persons——

Mr. PRESIDENT: You need not go into details.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Very well, Sir, I shall not go into details now, but I am sorry for this reflection of Mr. Thompson. Further, I must point out that I cannot agree that the appointment of young men as teachers would solve the question of unemployment.

With these few remarks I would ask Government to give us the assurance I have asked for.

Mr. B. C. CHATTERJEE: Sir, we are discussing a very important question under the shadow of unbearable tragedies that have taken place one after another in this country. I think all of us in this Council are agreed that these terrorist outrages must stop. To that extent there is no quarrel, no difference of opinion between one man and another in the whole of this House, and I very earnestly deprecate any heat, any personal feeling, any personal accusation being imported into the discussion that we are having to-day.

5-30 p.m.

Now, Sir, the whole question resolves itself into this: can we not all put our heads together and find out a way of putting an end to these crimes? If it be not impertinent for a man who had intimate acquaintance with a similar movement which took place in Bengal during the period preceding the introduction of the Reforms Act, if it

be not impertinent for such a man to make one or two suggestions on the basis of his past experience, then I should like to offer one or two suggestions. In the first place it is quite possible that many people—many of our European friends—sincerely and honestly believe, like Mr. Bannerjee, that these crimes flourish because we do not denounce these crimes sufficiently, and Mr. Jitendralal Bannerjee referred to the example of the late Sir Surendra Nath Banerjea's consistent denunciation of anarchical crimes during the time that he was in stewardship of Bengal politics. But I am sure that with all his eloquence Sir Surendra Nath was not able to stop anarchism, and I would say that mere denunciation would not deter men who are determined to give their lives for a particular object they have in view from going on with their activities. Denunciation does not help us. It may for a time help to bring some cheers from our admirers, but by mere denunciation you cannot go to the root of the evil. Next, Sir, there are other means besides denunciation which the Government of Bengal adopted in the past, as it is adopting now, in order to put a stop to this evil. I am sorry, Sir Provash Chunder Mitter is not here, but he would bear me out when I say that the Rowlatt Committee tackled the question of how to stop this evil which was then spreading very very rapidly not only in Bengal, but throughout India. I was asked to give evidence before that Committee, and I said in all humility that it was not a problem for lawyers to solve, but for statesmen, and that mere repressive legislation was not likely to put an end to the evil. Although I was very unpopular with the members of the Committee for the views I expressed, I all the same insisted that the only way by which England could stop the movement would be by giving India free institutions and by granting a measure of amnesty to the men who had either been interned or sent to jail or to the Andamans. Well Sir, the Rowlatt Committee's recommendations resulted in the passing of the Act known as the Rowlatt Act, but that Act had to be repealed, because it was found that their suggestions did not help to kill the movement. But the Declaration of August 20th, 1917, which made a clean cut across the whole of the history of England's occupation of India, by holding out the promise that responsible Government was the goal of British rule in India, made all the difference. That brought about a change in the mentality of young India, and it was found possible to bring back all the men who had been sent to the Andamans or shut up in internment camps and to set them free. I remember, Sir, that when these young men first came out from the Andamans and other places, Mr. Gourlay asked me if it was possible to devise some way by which these people might be assisted back into life, and I must say to the eternal credit of Mr. Gourlay that he found a shelter for them under the auspices of the Y. M. C. A., from the vicinity of which the police were rigorously excluded. And for six months these young

men were invited to come and stay in this shelter. A large number who did so were housed and fed there. During this period, we of the Indian Association raised funds wherewith we started numbers of these men on various kinds of business enterprises, and I must say that Government also did its best to provide for these young men in all possible ways it could. I remember one example. A certain advocate of the High Court had been interned, and when he came back, he found himself in very great difficulties. I saw Sir Hugh Stephenson and asked him if he could try and help this gentleman. Sir Hugh gave me a letter for the Legal Remembrancer with a request to the latter to see if anything could be done for the man, and be it said to the credit of the Legal Remembrancer and of Bengal Government that he did give some briefs to the advocate, who after some time told me about it. That was the sort of thing that really conquered the revolutionaries, and I think, and Mr. Reid will bear me out when I say that 95 per cent. of the men who came back on that past occasion have remained true to their word, and never again joined any movement against Government. Here is an absolutely true, correct and living history of how the British people themselves conquered a particular phase of this revolutionary movement. That was a very very serious movement. True, there were not so many political assassinations as now, but these young men got hold of the Indian Army. Anybody who wants to look for the facts will find them in the report of the Rowlatt Committee and the evidence given before that Committee and in the various political trials of these times.

Mr. PRESIDENT: I do not think you need go into that.

Mr. B. C. CHATTERJEE: What I was saying is that the movement which was conquered by statesmanship, by conciliation, by virtue of what you might call a touch of the Christian spirit, was much more serious than the movement with which we are confronted to-day. And I say it is in the self-same way that you should meet the present situation. Instead of that, if you merely persist in enacting repressive legislation, and go on making them more and more repressive and stringent, how can you expect to conquer the spirit that animates these men? How can you kill the spirit of a man who will not hesitate to put an end to his own life, who will take a revolver in one hand and poison in the other, like the one who made the attempt on the life of Sir Alfred Watson the other day? It is no use merely denouncing these crimes, or seeking to repress them. It is only by giving a greater measure of liberty to the people that you can conquer the heart of these men; that is the only remedy, and past history proves it. Do not tarry, do not make any further delay in giving the promised freedom to India. Why not begin to-morrow or the day after? You know you can

give Bengal self-government under the existing law. Why not make over all the portfolios to Bengalees? You know that the highest legal opinion taken in England is in favour of the proposition that you can transfer all departments but one to popular representatives under the existing Government of India Act. Why not do so at once in Bengal, leaving a small department to the Governor, and let Bengalees run the Government? Since you have promised provincial autonomy definitely to us, why delay about it? I have not yet found one single reason why Bengal cannot get provincial autonomy to-morrow. What is the idea of our European friends? We were assured by them, by the Viceroy, by everybody, that we were going to have provincial autonomy—then why cannot we have it now? I want it to-morrow. If you do that, then I will tell you what will happen. This situation will change like magic as in 1919. The moment the people find that Government has been transferred into the hands of the people of Bengal, then my friends the *swarajists* will come in here to run the Government, exactly in the same way as they did in the Corporation, when Sir Surendra Nath Banerjea—at the height of his unpopularity—passed a measure which diverted all powers regarding the management of the Corporation into the hands of the people of Calcutta. I know, Sir, that there are people who shudder at the idea of the *swarajists* capturing all power in the administration of the country. Well, Sir, they are bound to come here sooner or later with all their virtues and their defects. And had we not better discipline ourselves to be at peace with the idea? Suppose, Sir, Mr. Subhas Chandra Bose were placed in charge of law and order in place of Mr. Reid, well, if that were done, I would prophesy the ceasing of these crimes against the English in Bengal in no time. If Mr. Subhas Chandra Bose were to give orders and Mr. Colson were to carry out those orders, and if those orders were not to the liking of these people, then surely they would no longer hold Mr. Colson responsible for them, but would on the contrary, hold Mr. Subhas Bose responsible for them, and settle accounts with him about them. (A VOICE: They may kill Mr. Subhas Chandra Bose.) Well, we Indians must face that situation. It is time we did so instead of standing behind the backs of Englishmen. I do not believe it would happen, because when the people are convinced that real power lies in their hands, they will try to replace him and not go the length of killing him. But even if there were any chance of an attempt on his life, Mr. Subhas Chandra Bose would have to face it. The difficulty is, Sir, that a great many of my English friends and other people holding opposite views cannot reconcile themselves to the vision of a man of the type of Mr. Subhas Chandra Bose being placed in charge of law and order. But with the grant of provincial autonomy, that is just what would happen. Are you then really not going to give us provincial autonomy? If you are not going to give us provincial autonomy,

what is the use of having this Council. Break up this place then, and have martial law and no damned nonsense. Let us get on with provincial autonomy—let us have it from to-morrow—let Bengalee members function just as my hon'ble friends Mr. Reid and Mr. Woodhead are now functioning. That is what you have got to bring about.

[Here the member reached the time-limit and resumed his seat.]

5-45 p.m.

Babu JITENDRALAL BANNERJEE: The point that Mr. B. C. Chatterjee has sought to make against me is a mere academical one and does not require to be pursued much further. But all the same he was guilty—I shall not say deliberately guilty, but guilty nonetheless—of a slight misstatement of my position. I have never said that mere denunciation of terrorist outrages—eloquent, passionate or otherwise—would help in killing terrorism in the land. What I have said is that terrorism could not flourish if there was disciplined and organized public opinion against it: and I hold—although many members of this House may not share my opinion—I hold that, so far as public opinion is concerned, it is not definitely condemnatory of these outrages. On the other hand, there is a certain measure of public sympathy for the terrorists. This seems to me to be plain and obvious. Otherwise, is it possible that so many of the people who commit these crimes could escape detection? Is it even possible that their dead bodies should escape identification when they had taken their lives with their own hands?

I do not understand why my friends should be so eager to disavow the plain and obvious fact that there *is* a certain measure of sympathy for these crimes and the perpetrators thereof. Speaking for myself, I can well believe that there should be a large number of honest and fairminded people who would have sympathy and even admiration for these young men. They would argue that these young men are not like ordinary criminals, they do not murder from motives of private gain or grudge, they are actuated by ideas of patriotism and sacrifice. I can appreciate their line of argument myself; and yet I am so passionately convinced of the terrible nature of the evil and of its fatal repercussion upon the national character that I should support the Government in its demand for drastic and extraordinary powers to cope with the situation. I denounce these terrorist crimes, not because they involve the lives of a few Europeans—I hope no one will misunderstand my position—not because they involve the lives of a few Government officials, but because of their terrible reaction upon our national character in future. If, in the *Swaraj* to be, the judge cannot act freely and according to his conscience, because of the lurking shadow of the terrorist behind his bench; if the magistrate and the

policeman cannot act according to their consciences because of the menace of the terrorist cloud; then "Farewell", I say to our dream of *Swaraj* and liberty.

Terrorism is the most fearful enemy of individual liberty; without individual liberty national liberty cannot be; and it is as the advocate and worshipper of liberty that I denounce the terrorist and his deeds.

I was surprised to find Mr. N. K. Basu quoting the opinions of Mr. Winston Churchill and Mr. W. D. R. Prentice—these among all people—in support of the position he had taken up. As for the article of Mr. Churchill, it is a thoroughly mischievous one. It was written with the obvious and deliberate object of casting discredit upon the Prime Minister: it was written with the obvious and sinister object of suggesting to leaders of Indian public opinion that, in some subtle and mysterious way, there had been a change in the English attitude towards the Indian situation. Sir, I have been following with some care and interest the recent developments in English politics, and I feel entitled to say that there has been no change in attitude since the Prime Minister's last public pronouncement on the subject. By the way, it is nonsense to say—even though Mr. Winston Churchill may have said it—that the present Parliament is more definitely Tory than any Parliament since 1661. It is a clear travesty of historical fact to say so. But whatever the character and composition of the present Parliament may be, there is a strong sense of discipline in English public life; and this strong sense of discipline will prevent men like Sir Samuel Hoare from swerving from the line of action chalked out by the Prime Minister.

Sir, Mr. Basu quoted the authority of Mr. Prentice in support of a theory which seems to be a pet one in some quarters of the House, *viz.*, that unemployment and economic causes were at the root of terrorist activities. I have the scantiest possible sympathy for this plausible but utterly shallow and superficial theory. It is insulting and injurious to the terrorists themselves to suggest that they are driven to murder by the pressure of hunger. Whoever the terrorists may be—and whatever may be the measure of our divergence from their line of thought—it will not do to forget that they have a philosophy, an ideal and a principle of their own—pernicious principle and philosophy, it may be—but certainly it is not the sordid principle of hunger.

But granting that economic causes are at the root of terrorism—a postulate I do not accept—how is one to deal with the situation and to remove terrorism and economic depression by one magic stroke of chance? What financial genius is there who would give us the *recipe* for dealing with the gigantic evil of unemployment? If the problem was quite so simple as some of my friends seem to think, there would not be to-day 8,000,000 unemployed in the United States, and 2,000,000

The problem before us is not so vast as that: it is not how terrorism is to be killed or extirpated—once the evil has taken root in the land, that must be a slow and long-drawn process—the problem is how to delimit its activities and punish its open manifestation? And in this connection two questions claim our attention. First, should we give the Government the drastic and extraordinary powers which they demand, and secondly, how are such powers to be given and exercised?

So far as the first question is concerned, I shall say frankly that I can see no alternative to granting drastic and extraordinary powers to the Government. The situation being abnormal, the remedy also is bound to be abnormal. This does not mean that I give my approval to all or any part of the Bill before us. There are provisions in the Bill which are openly of a predatory and confiscatory character. These will require to be drastically altered; but that will be the function of the Select Committee and of the House when it meets again at a later stage. Meanwhile, the only question is whether extraordinary measures are called for at all or not, and to that, in my humble judgment, only one answer is possible. As for the method of granting these powers, I should prefer that it could be done by means of Ordinances. We know what an Ordinance is—it is a negation of law for the time being—it is a supersession of ordinary and normal procedure and, as such, it is a fit instrument for dealing with an abnormal situation. There is no element of permanence or finality about it; it is bound to expire after a limited period; and we know that in time this evil of abnormal procedure is bound to come to an end. If, however, a measure of ordinary legislation is needed, I should be all in favour of circulating the Bill for opinion. After all, the Ordinances will not expire till towards the end of November and there will be ample time between then and now for the eliciting of opinion and the enactment of a new legislative measure. Public opinion has never been consulted since the promulgation of these measures; and it will be interesting to see what the public may have to say about the operation of the Ordinances—or what constructive suggestions they may have to offer towards the suppression of terrorism. Government has nothing to lose and may stand to gain much by following this procedure. But I shall not oppose the sending of the Bill to the Select Committee granting always that a strenuous attempt is made to rob the Bill of the confiscatory and predatory character which it now possesses in some of its parts.

Mr. C. C. COOPER: Sir, if the majority of this House consisted of men like Mr. J. L. Bannerjee, then there would have been no necessity for a Bill like this. But it is because of the lack of Indian public opinion, such as has been expressed by Mr. J. L. Bannerjee, that terrorism still flourishes in this land. If every Indian in this House and outside this House, in his own house, in his town, in his village, in the

midst of his sons and daughters, preached discipline, and obedience to law, and expressed a real, honest and genuine desire to help Government, as has been expressed by Mr. J. L. Bannerjee, I say there would have been no necessity for this Bill as terrorism would have ceased. Therefore, Sir, as honest public Indian opinion does not exist, judging from the speeches delivered in this House this afternoon, the unfortunate necessity for the measure now under discussion is manifest. I, therefore, support the Bill and approve of its reference to a Select Committee.

Mr. SYAMAPROSAD MOOKERJEE: In rising to speak on this motion I may say at once, as has been said by my friends, Mr. J. N. Gupta and Mr. N. K. Basu, that we on this side of the House fully realise the gravity of the present situation. We realise, Sir, that the activities of the terrorists are a menace to the growth of a progressive constitution in this province. We do realise it, but in spite of that we are unable to give our support to the measure now before the House for the very simple reason that we are not convinced that this sort of measure is the proper remedy for the disease. If we had been convinced that the extraordinary measures now in existence, had during the last few years in any way enabled the Government to cope with this very frightful organization, we should have lent our support to the motion now before the House. Sir, there is one aspect of the matter to which I should like to refer before I pass on to the question of educating public opinion on this very important issue. Sir, although Mr. Reid has given an assurance on behalf of Government that the provisions of the Bill will not in any way affect innocent people and that they are directed only against those who are connected with the terrorist movement, our experience seems to tell us a different tale altogether. Sir, very drastic powers are proposed to be given not to responsible officers of Government but, as has been so clearly explained by Mr. N. K. Basu this afternoon, these powers are proposed to be delegated, if the occasion so arises, to subordinate officers of Government. That will constitute a considerable danger in that the provisions of such a law may be misapplied to persons who are innocent.

6 p.m.

Sir, I would ask Government to consider for a moment what really is the effect of the application of this measure to individuals who are not concerned with the terrorist organisation. The effect will be, as it has been in the past, that Government will indirectly help to increase the number of persons associated with this movement and also antagonise not only those particular individuals but also a large number of other persons who may be connected with them and make them the enemies of Government. Sir, that is an aspect of the question which I would ask Government to remember.

It has been said on the floor of this House, as also outside, that the only way in which such movement can be fought is by educating public opinion. Unfortunately, Mr. Reid's speech delivered this evening is disappointing. Even Mr. Prentice, while moving the introduction of such Bills in the past, did lay considerable stress on this aspect of the question. He said, as will appear from the records of the proceedings, that Government was compelled to take recourse to such legislation because Government felt that it was helpless. It realised, however, that the only remedy it could think of was to properly educate public opinion and get its solid support behind it. But there is no such suggestion from Mr. Reid; perhaps, he is more honest and what he says, unless I misunderstood him, is that he is prepared to ask the Council to accept this Bill and, if necessity arises in the future, also to introduce further measures which will be even more drastic in character. That is a point of view, Sir, which, I think, does not disclose practical statesmanships. As regards educating public opinion, I think there is no one on this side of the House who would quarrel with the proposition that you must have the support of public opinion to fight the terrorist organisation; there cannot be no two opinions so far as this proposition by itself goes. At the same time, Sir, the fact remains that certain conditions have to be fulfilled before you can legitimately expect the public to stand by you. I ask Government, do you really care for public opinion? What is your past record? I would refer to the very district, for the preservation of security in which the Hon'ble Mr. Reid is moving this particular Bill—I mean Chittagong. In September last year certain incidents happened there which were the subject-matter of discussion on the floor of this House. Very grave and serious allegations were brought against the Government, both inside the House and outside it, charging Government with a deliberate conspiracy, charging Government with having incited one community against another and also with having encouraged its own men to commit loot and plunder in Chittagong. What is the attitude that Government has taken up in a matter of that description? I think, Sir, the Hon'ble Mr. Reid knows that public mind was greatly agitated over the question and demanded information. But was the Government ever anxious to take the public into its confidence? An assurance was given to the members of this House that sooner or later a statement would be made as to the steps, if not the details, at any rate the substance, which had been taken by Government in the matter. An official committee was appointed to inquire into the affairs, and far from disclosing what the report has been, Government has not taken the slightest care to tell the House or the public what action, if any, was taken by it. Sir, that is the kind of respect, that is the kind of treatment which Government would be prepared to accord to public opinion. Sir, it is all very well to say that public opinion must stand solidly behind Government. But, Sir, the fact remains that during the

last few years, the leaders belonging to one of the most important political groups in the country have been clapped behind the prison bars. The fact remains, Sir, that though some of them underwent some sham of a trial before the courts, most of them have been detained under the provisions of an enactment which is at least one hundred years' old and which is perhaps the relic of barbarism. The fact remains that thousands of our young men have been thrown into prison during the last two years for having committed technical offences which would not be regarded as breaches of the law in any civilized country and which even in our own country did not form part of the ordinary law before the promulgation of the extraordinary Ordinances which had been passed by the Viceroy. The fact remains, Sir, that thousands of our young men have been kept detained in various places, both inside and outside Bengal, without being given an opportunity to undergo any trial before any tribunal. The press has been gagged. The public platform has been banned. Sir, these are solid facts which confront all of us. If you want to educate public opinion, you must have respect for public opinion. You must make it possible for public opinion to express itself, and not perpetuate the present atmosphere of suspicion and bitterness. Sir, in this connection I would like to say a few words on the point of view expressed by Mr. Jitendralal Bannerjee. I congratulate Mr. Cooper and also Government on having found, perhaps rather late in the day, in Mr. Bannerjee a great supporter of law and order. But, Sir, may I ask Mr. Jitendralal Bannerjee, whose eloquence we all admire, has he up till now taken any steps whatsoever to educate public opinion on this very question? What happened so long to his voice, which resounded in the hall to-night? Has this voice been ever used in organising public meetings to strengthen public opinion.

Babu JITENDRALAL BANNERJEE: My failure does not condemn everybody.

Mr. SYAMAPROSAD MOOKERJEE: Mr. Bannerjee says that his failure does not condemn everybody, but at the same time he has no right to condemn everybody else. Sir, I do not know what is the reason of Mr. Bannerjee's failure to attempt to educate public opinion. Perhaps, he may begin even at this stage or perhaps, Sir, we have to wait till the day comes when for the welfare of Bengal (and incidentally his own!) we shall find him completing the stage of evolution and adorning a ministerial chair of the Government of Bengal! But even now I hope, Sir, without waiting for that day, Mr. Bannerjee, instead of being satisfied by merely giving expression to his feelings in his thunderous voice inside the House, will go out and organise public meetings with a view to educate public opinion and actively fight against terrorism.

Mr. K. C. RAY CHOWDHURY: Sir, we have just now had the instance of a gentleman who had dared to condemn Mr. J. L. Bannerjee for having indulged in some home truths. I say that they are nothing but home truths because the co-operation we receive from the public in suppressing terrorism is so poor that the less we speak of it the better. We all know that every bit of what Mr. Bannerjee has said has some foundations in fact. He has said that the police want more power to stamp out this evil. Well, the question is whether we shall trust the police or shall not trust them. As the police have been losing their own officers and even some of their own men, they are the best people to judge what remedy should be applied. Somebody has said that in Chittagong as you did not respect public opinion, things went from bad to worse.

I say nothing of the kind. I know from personal experience that absconders of the Chittagong Armoury Raid Case were sheltered long before the incident referred to by Mr. Mookerjee happened in Chittagong. I know something of Chittagong and I can tell you the real truth about the matter. I have spoken to Mr. Anant Singh's sister whom I saw in my own house and I can tell you that the gang as a whole are against public opinion. They do not care for *Swarajists* or Moderates and they have no sympathy for Mr. Gandhi. Therefore, all those people, who speak of public opinion, talk through their hats. What do you call public opinion?—*Swarajists'* opinion, our public opinion or European opinion. After all we must admit that the police have to devise some measures to combat this evil. Some say the cause of this evil is unemployment. I think they know nothing of it. It is the humble people like myself who work and move amongst the common people know the real situation and I can challenge any one to say that unemployment is the cause although it has produced widespread discontent among young men. Sir, I agree with Mr. J. L. Bannerjee that terrorists are not driven by poverty to go out and attempt at the life of Sir Alfred Watson and others who are not officials. Somebody said that it is the *zoolum* of the police which creates terrorists. I do not agree with them. The young band of terrorists are mere tools in the hands of revolutionary idealists. Some say that provincial autonomy is the panacea for all these evils. I say nothing of the kind. Terrorism will go on unless you scotch it under Home Rule. I can speak from personal knowledge of what happened in 1909 or thereabout in London. The revolutionary criminals started a home called the "India House" in Highgate in London, gave free board and lodging and Indian curry and rice to Indian students and propagated anarchy. I stayed at the India House for a week and there I met the Directors, Shyamaji Krishnavarma and Savarkar and also Dhingra, the engineering student from Amritsar whose mind was poisoned and who was almost hypnotised just before he committed the diabolical murder of

Sir Curzon Wyllie and Dr. Lalkaka, a Parsee gentleman, in my presence in the Imperial Institute in South Kensington. Shyamaji and his gang controlled the paper called *Sociologist*. I have still a copy of this paper. These people preached "Killing is no murder" and praised murderers as saints and martyrs. I knew Dhingra before his murderous act and could vouch for the fact that he was the sheer victim in the hands of the arch-conspirators. Shyamaji was hounded out of London and Paris and found his asylum in Geneva on the Lake. By an irony of fate I was invited to his Chateau when I visited Geneva in 1923 and found to my utter surprise that he was a changed man and very penitent for many a murder credited to his account. He praised Mahatma Gandhi and his non-violent creed and was indeed very jealous of the great fame achieved by the Mahatma through his non-violence. Shyamaji realised the terrible folly of preaching "Killing is no murder." He is dead and gone and I may be permitted to convey his message to the young men and women of Bengal that India is not Ireland and India will not be free through hangmen and murder gangs.

6-15 p.m.

The poor soul has passed away. He was a changed man and penitent for many murders and executions credited to his account. I can say I pity these poor girls and boys who are used as tools by the brains who ought to be shot, but who live; cowardly lot that are behind these young murderers. I knew poor Mr. Dhingra, the ruthless victim of that murderous gang who was hanged in London. I mixed with so-called Communists in the industrial area among the workers. We do not discourage them in any way; they want to know what——

Dr. NARESH CHANDRA SEN GUPTA: Are we concerned with the communists at all?

Mr. K. C. RAY CHOWDHURY: I am trying to show the connection of this terrorist movement with the communistic preaching and propaganda.

Dr. NARESH CHANDRA SEN GUPTA: Unless my friend suggests that the Communists have anything to do with terrorism, I submit that he is wrong.

Mr. K. C. RAY CHOWDHURY: I am not wrong. When Mr. Saklatvala came here to India, he denounced Gandhi; he even denounced every member of the Congress. These Communists are worse than the terrorists, because they want to subvert society by means of bombs and bullets and establish their so-called proletariat Dictatorship.

Mr. PRESIDENT: You should now say something about the Bill itself. (Laughter.)

Mr. K. C. RAY CHOWDHURY: I shall come to that presently I want to give a constructive suggestion to the police. I said the same when I was in London two years back and wrote a long letter in *The Times* of London. We pay handsomely for the upkeep of the police and spend lakhs and lakhs of rupees on the police. If the police are unable to trace the revolvers, I say they are of no use, and decisively so. It is not the bomb that has played a part in these diabolical assassinations, it is the revolver; as bombs are difficult to manufacture. These revolvers are largely imported. I should say, Sir, that in Chittagong I had it from the *lascars* that they were imported by foreign vessels. The police of Chittagong know this, and if the police have come to such a pass that they cannot stop it, then we do not want that police. Let us have police from Japan, or anywhere else, and they will serve us more efficiently. It is the revolver which is the chief instrument in these diabolical murders, and these revolvers are imported, or rather smuggled in. If you cannot stop this smuggling, you are unfit to police us. You should have recalled all revolvers long ago; no matter whose, everybody's revolver; you can announce that you will pay a handsome reward for every unlicensed revolver seized or recovered. Search all ships, take special powers for yourselves for these searches and you will seize revolvers on ships before arrival at ports. Offer a thousand rupees for each revolver, the money will be well spent; that is my constructive suggestion and I want to see the clause in the Bill about arms and weapons thoroughly recast to meet the present terrible situation.

Dr. NARESH CHANDRA SEN GUPTA: I perfectly agree with my hon'ble friend Mr. Reid in his diagnosis and in the description that he has given of the disease. I can assure him that to all of us Indians the problem is far more serious than he makes it out to be. For we would be living through the aftermath of all this when Mr. Reid would be far away in England enjoying his pension. Mr. Reid is concerned with the prestige of the administration and for the lives of his officers. We are more anxious for our own kith and kin who are apt to be caught in the coils of terrorism; for our sons and daughters and our homes and families and for the security of our society itself. Mr. Reid is greatly mistaken if he thinks that any one of us can look forward to this situation with equanimity, although every one of us may not take every opportunity of eloquently denouncing the terrorist movement in the hearing of the Hon'ble Mr. Reid and the Europeans. The question is what is the remedy? The recipe which Mr. Reid has concocted is not a new thing. It is an old friend. It is worth while studying its

history and the history of its predecessor, the Criminal Law Amendment Act, its policy and that of the mailed fist generally. Mr. Reid has talked with great confidence about the success of the Ordinances. Listening to his report about the success achieved by the Ordinances, my mind went back to the early days of the War when we were regaled with stories of the successes of the allied armies just when it was being pushed back step by step to the confines of Paris. Mr. Reid says that the Ordinances did not lead to the arrest of the absconders,—the only purpose for which the Ordinances were framed—for the obvious reason that only one absconder has been arrested up till now. But he claims that the "continued pressure" has had a "steadying influence,"—almost echoing the words of the War time communiqués. But the fact has been that not more than one single absconder has been arrested though the whole countryside was harassed, terrorised and deprived of the ordinary amenities of civilisation. That is not success which is very encouraging. But look at the debit side of the balance sheet,—the loss which you have suffered by this policy of meeting challenge by challenge, force by force. I do not for one moment hesitate to put down the rapid rise not only in the number of the terrorist outrages, but also in the terrible growth in boldness, precision and intensity of the organisation, to the policy of the mailed fist. I refrain from labouring this point upon which I have addressed the Council before, but I submit that more than half of the useful lives lost must be put to the debit side of the Ordinances if a true balance sheet is to be made.

Sir, Mr. Reid has said that the special magistrates have been found to be very useful. On that point we may be allowed to differ, but the one thing about which there can be no difference is that but for this pernicious institution of the special magistrates who are allowed and expected to make short work of the law in the interest of speedy justice,—or injustice whatever it may be,—Kamakhya Sen would have been still alive and serving the Government.

Sir, Mr. Reid asks us to take it on trust that these Ordinances have never harmed anybody who was innocent. It is hard to take him at his word when all independent sources of information from Chittagong were shut out by the Ordinances, and I have had some knowledge as a member of the Journalists' Association of the rigour with which the information from Chittagong in those days were shut out from the press. Mr. Reid will also probably ask us to take it as a mere accident that, when occasionally it becomes necessary to acquire houses for troops, such, for instance, as has happened in Midnapore, in such cases the choice inevitably falls upon the stalwarts of the Congress. Sir, the Hon'ble Mr. Reid has complained that the Government has had no constructive programme before them. It might have been more truthful for him to say that the Government has chosen to ignore the constructive suggestions that have been made to them. For Mr. Reid may

know or his office may know, of at least one long note which I gave to Mr. Prentice at his request and which contained constructive suggestions, which may not be acceptable to Mr. Reid or to the Government, but which were certainly constructive suggestions. I will not tire this Council with the details of the constructive scheme which was not a simple recipe for all diseases. But I will say this that the main suggestion that I made and one which has just been made in this Council by others was that the Government must win the people to their side. How that can be done I have discussed in my note in detail and now I want the Government to understand that without winning the people to their side, there is not the ghost of a chance of the Government ruling the whole country by Ordinances, military, or even by the police. The Government of Bengal or, for the matter of that, the Government of India has not resources enough to rule this country against an entirely hostile population, and the less hostile men there are, the better. I am afraid that the Government by following the policy that it has followed has only added to the ranks of the discontents and the ranks of those who, no matter what happens, would rather suffer all inconveniences than help the Government. I do not say that that is the attitude which makes for the good of society, but I say that it is a fact that the Government has been steadily alienating larger and larger numbers of the people who have been affected by the Act. That has got to come to an end. The Government has got to find out means by which the people will be won over to the side of the Government. People should be convinced that the Government mean to do good to the country and are trying their best for the purpose. Well, Sir, an inevitable and indispensable part of such a programme would certainly be a programme for the improvement of the economic condition of the people,—not because, as Mr. Jitendralal Bannerjee thinks and not because I think that these people have become terrorists because they are hungry, but because the prevailing economic distress and the failure and the indifference of the Government, I may say, have been drawing more discontents and spreading much further the spirit of despair out of which terrorism is born. Do not by all means allow the feeling to grow that people have nothing to expect from the Government. On the contrary, say as well as do things which will convey to the people that Government certainly mean business, and the Government want to do good to the country. Sir, Mr. Jitendralal Bannerjee has expressed his disbelief in any programme of economic reform. I do not share his despondency. The problem for improving the economic condition of Bengal is not such a desperate problem as he thinks. It does not require a financial genius of an extraordinarily high order, if only the right policy is followed. It is not the time or the place to say how the ways and means can be found for the purpose of economic reorganisation of the country, but I can assure him that there are such ways and means. If only we have the goodwill, we can at any rate consider how

to improve our economic condition. If the Government starts on a programme with the definite object of improving not only the economic condition but also the condition of people all round and the people are assured that the Government means to do it, then their sense of despair will disappear and their confidence in Government will grow and more and more people will come to the side of Government and will discourage by words and deeds all the work that the terrorists have done and are doing. For this reason I oppose this drastic measure and not only this measure but the whole policy that lies behind it.

6-30 p.m.

My friend Mr. Narendra Kumar Basu had been at some pains to point out the drastic nature of the Bill, but if he will analyse the thing, he will find that as a matter of fact the Government has gone on in a roundabout fashion and has stated what might be shortly conveyed by a single *sloka* from the Manusamhita with some alterations. I will not quote the Sanskrit *sloka* but will give a free translation of that. The *sloka* says that whatever order the King (in place of "the King" I will substitute "the magistrate or the police") gives to his friends and whatever punishment he decrees or imposes on his enemies, that shall be law. Read the Bill, and you will find that what is provided in it with a considerable amount of circumlocution is nothing more than this. But it will not give the remedy because you have not the resources by which you can kill the movement. You cannot kill the movement without the willing support of the entire population. There are cases, there have been occasions, in history when a great and powerful autocrat has tried it, but except in a few cases where the resources were plentiful and the country was small such policy never succeeded in ending or checking that unrest. It met with failure in Tzarist Russia. It has temporarily succeeded in Italy, but the resources of Italy relatively to the size of the country cannot be compared with the resources of the Government of Bengal.

The Hon'ble Mr. R. N. REID: I must oppose this motion for circulation. Unless I have entirely misunderstood the trend of discussion to-day I think that circulation of the Bill for public opinion would not elicit anything that we did not know before. Therefore, I think the motion for circulation is to be deprecated. After all what is the House here for except to represent the opinion of the province? I think every kind of public opinion is represented here to-day and I do not think any more opinion is needed.

To start with the suggestions made by the various speakers, again if I have not misunderstood them, I am suffering from a feeling of disappointment. I need not refer to the economic panacea which has

been advanced in one quarter. It would be painting the lily to add anything to what has fallen from Mr. Bannerjee on that subject. I must confess that I find very little in the discussion that I can get hold of, although I am anxious as anybody else to hear, to receive, to consider any possible remedy that can be suggested and to put them into practical use to deal with the situation.

Dr. Naresh Chandra Sen Gupta referred to a note which, I am afraid, I have not seen because I did not know of its existence. I shall be very glad to know what it contains now that I am informed of it.

As to the other suggestions, as I said, I am really anxious to do what is suggested. I may just add two more remarks. One is to assure those who wish for such an assurance that the provisions of this Bill, when it becomes an Act, will not be extended or applied to any part of the province without the fullest and most careful consideration on the part of Government. And one other point one member has mentioned. Mr. Syamaprosad Mookerjee mentioned the question of Chittagong and said that no statement on the subject has been made. A statement will be made during this session. Whether it will satisfy Mr. Mookerjee or not is another matter. With these words I beg to oppose the motion for circulation.

A VOICE: I move that the question be now put.

The motion that the question be now put was then put and agreed to.

Babu KISHORI MOHAN CHAUDHURI: May I inquire, Sir, what will happen to the amendments that have been proposed by several others?

Mr. PRESIDENT: I suggest that although different dates were mentioned in the various amendments, one of them should be taken and discussed generally. Members who have given notice of similar amendments may speak on the one I am choosing for discussion.

The motion of Babu Satish Chandra Ray Chowdhury was then put and a division taken with the following result:—

AYES.

Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Choudhury, Maulvi Nural Absar.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Gupta, Mr. J. N.
Hoque, Kazi Emdadul.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprosad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hunuman Prosad.
Rai Mahasai, Munindra Deb.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Roy, Babu Satyendra Nath.
Ray, Mr. Sarat Kumar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. C.
Das, Rai Bahadur Kamini Kumar.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Faweus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur, Susil Kumar.
Ghose, Rai Bahadur Sasonka Comar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Henderson, Mr. A. G. R.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-uz-Zaman.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Lesson, Mr. G. W.
Maguire, Mr. L. T.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Philpot, Mr. H. C. V.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mahan.
Ray, Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Rass, Mr. J.
Roy, Babu Jitendra Nath.
Roy, Mr. Saileswar Singh.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarker, Rai Sahib Rebati Mahan.
Sen, Mr. B. R.
Sen, Rai Sahib Akshoy Kumar.
Stapleton, Mr. H. E.
Thomas, Mr. M. P.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

The Ayes being 26 and the Noes 68, the motion was lost.

6-45 p.m.

Mr. PRESIDENT: I propose to split up the next motion into two parts: the first deals with the principles of the Bill and the second part with personnel.

Babu KISHORI MOHAN CHAUDHURI: On a point of order, Sir. I was not given an opportunity to move the amendment standing in my name.

Mr. PRESIDENT: I gave you an opportunity when I made the suggestion that only one of the amendments will be put for discussion. As those members who gave notices of amendments did not exercise their right, or insisted upon my allowing them to exercise their right, I took it that they did not want to move their amendments.

The motion that the Bengal Suppression of Terrorist Outrages Bill, 1932, be referred to a Select Committee was then put and agreed to.

Mr. PRESIDENT: With regard to personnel, there are two amendments, namely, 29J and 29L. Before I ask Munindra Deb Rai Mahasai to move his amendment (29J), I must tell him that the debate with regard to the principles of the Bill has been closed and his remarks should be only in respect of the personnel of the committee.

MUNINDRA DEB RAI MAHASAI: Then it is better that I formally move my amendment.

Sir, I beg to move that after the name of "Mr. H. J. Twynam" the following names be inserted, namely:—

(1) Dr. Naresh Chandra Sen Gupta,

(2) Maulvi Abdus Samad, and

(3) Mr. Shanti Shekhareswar Ray.

The following motion was called but not moved:—

Babu SUK LAL NAG to move that after the name of "Mr. H. J. Twynam" the following names be inserted, namely:—

(1) Mr. Mukunda Behary Mullick,

(2) Rai Sahib Rebati Mohan Sarker, and

(3) Babu Suk Lal Nag.

The motion of Munindra Deb Rai Mahasai was then put and lost.

The second part of the motion of the Hon'ble Mr. R. N. Reid containing the personnel of the Select Committee was then put and a division taken with the following result:—

AYES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Bannerjee, Babu Jitendralal.
Barma, Rai Sahib Panchanan.
Bashir Uddin, Khan Sahib Maulvi Mohammed.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Coppinger, Major-General W. Y.
Cooper, Mr. G. C.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur, Sueil Kumar.
Ghose, Rai Bahadur Sasanka Oemar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Prafulla Kumar.
Guha, Mr. P. N.
Haque, Khan Bahadur Maulvi Azizul.
Henderson, Mr. A. G. R.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-ul-Zaman.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.

Leeson, Mr. G. W.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Mr Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Philpot, Mr. H. C. V.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Ray, Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Rees, Mr. J.
Roy, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijoy Prshad Singh.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. B. R.
Sen, Rai Sahib Akshoy Kumar.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Stapleton, Mr. H. E.
Thomas, Mr. M. P.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

NOES.

Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Nural Absar.
Ghose, Dr. Amulya Ratan.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprosad.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hunuman Prosad.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mahan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hoseni.
Roy, Babu Satyendra Nath.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.

The Ayes being 72 and the Noes 20, the following motion was carried:—

"That the Bengal Suppression of Terrorists Outrages Bill, 1932, be referred to a Select Committee consisting of—

(*1*) Reverend B. A. Nag,

(*2*) Khan Bahadur Maulvi Azizul Haque,

(*3*) Rai Sahib Sarat Chandra Bal,

(*4*) Babu Jitendralal Bannerjee,

(*5*) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur,

(*6*) Rai Bahadur Kamini Kumar Das, M.B.E.,

(*7*) Mr. W. H. Thompson,

(*8*) Maulvi Abul Kasem,

(*9*) Khan Bahadur Muhammad Abdul Momin,

(*10*) Mr. H. J. Twynam, and

(*11*) the Hon'ble Mr. R. N. Reid, C.I.E.,

with instruction to submit their report within a week from the date on which this motion is carried in Council and the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. PRESIDENT: Before I adjourn the House, I may tell you that to-morrow after questions we will take up the special motion under section 78A to which two hours have got to be devoted. After that we shall take up the Bengal Municipal Bill. I may also remind you that the election to the Advisory Board to be constituted under the Bengal State Aid to Industries Act, will be held, here, to-morrow, at 2-15 p.m.

Adjournment.

The Council was then adjourned till 3 p.m., on the 10th August, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 10th August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 116 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Allowances to the prisoners who observe Ekadasi day.

*31. **Babu JITENDRALAL BANNERJEE:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether any special allowance is given to the Hindu inmates of the Dum Dum Special Jail who observe *Ekadasi*?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): In respect of the Hindu prisoners in the Dum Dum Special Jail who fast on the *Ekadasi* days, Jail Code rule 689C is followed.

Classification of certain prisoners.

*32. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether Hari Pada Bhattacharjee, accused in the Ahsanullah murder case, Chittagong, and Suniti and Santi, accused in the Stephens murder case, are in the same class as they were placed by the trying Magistrate in the beginning?

(*b*) Is it a fact that they were placed in division "B" by the trying magistrate, but were subsequently treated as "C" class prisoners by the Government?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*), (*b*) and (*c*) As undertrials, prisoner Hari Pada Bhattacharjee was placed in division II while Suniti Chaudhury and Santi Ghosh were classed in division I by the trying magistrate. On conviction the first and the second prisoners were placed by Government in division III and the third prisoner in division II after taking into account the recommendations of the District Magistrates in each case and on a consideration of the facts of each case with regard to social status. Prisoner Hari Pada Bhattacharjee's father swore an affidavit to the effect that he had no means to defend his son and his pleaders in the lower court said that he was too poor to pay for his defence. Prisoner Suniti Chaudhury is the daughter of a retired clerk whose pension was reported to be Rs. 40. Prisoner Santi Ghosh was the daughter of a professor.

State prisoner Mr. Sarat Chandra Bose.

*33. **Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that since the confinement of Mr. Sarat Chandra Bose under Regulation III of 1818, he has developed symptoms of diabetes?

(*b*) What arrangements have the Government made for his treatment?

(*c*) Is it a fact that the Government have not informed Mr. Sarat Bose or any of his friends and relatives as to the diagnosis made by the Medical Board in his case?

(*d*) Are the Government considering the desirability of giving that information now?

(*e*) Is it a fact that Dr. Sunil Bose has been refused permission to examine Mr. Sarat Bose? If so, why?

(*f*) Under what authority has the permission been withheld?

(*g*) What are the objections to entertain claims for State prisoners to be examined by physicians in whom they have confidence?

(*h*) What facilities for recreation have been given to Mr. Sarat Bose?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) No.

(*b*) to (*h*) This is the concern of Government of India whose prisoner he now is.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state what is the source of his information in regard to answer (*a*)?

The Hon'ble Mr. R. N. REID: I cannot give the exact source of the information.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state if he is satisfied that this answer is based on the report of the Medical Board?

The Hon'ble Mr. R. N. REID: I do not know if that is so.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state what exactly is the position of the Government of Bengal with regard to State prisoners like Mr. Sarat Chandra Bose?

The Hon'ble Mr. R. N. REID: I have stated the position in my answer (*b*) to (*h*) that he is now in the hands of the Government of India.

Mr. SYAMAPROSAD MOOKERJEE: Has the Government of Bengal anything to do with prisoners like Mr. Sarat Chandra Bose?

The Hon'ble Mr. R. N. REID: The Government of Bengal may be consulted by the Government of India on any point regarding them that they may think necessary.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state which Government, the Government of Bengal or the Government of India, defrays the cost of his maintenance?

The Hon'ble Mr. R. N. REID: The Government of India.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state how he can get the information from the Government of India on points (*b*) to (*h*) if he likes?

The Hon'ble Mr. R. N. REID: We can write to the Government of India for any information necessary.

Mr. NARENDRA KUMAR BABU: Will the Hon'ble Member be pleased to state if he will write to that effect to the Government of India?

The Hon'ble Mr. R. N. REID: Yes, if I am requested to do so.

Mr. Subhas Bose.

*34. **Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that Mr. Subhas Bose has been suffering since January 20th from acute pains in the region of the gall bladder and liver accompanied occasionally by high fever?

(*b*) If so, was any attempt made to diagnose his illness between the 20th January and 4th June, 1932?

(*c*) Is it a fact that he has been getting a daily rise of temperature going up to 100° on certain days and has been suffering from acute internal pain, sciatica, constipation and lassitude?

(*d*) Is it a fact that he has lost up till now 42 lbs. in weight?

(*e*) What was his weight on admission and what is his present weight?

(*f*) Is it a fact that he has been living on slops since the 20th January last?

(*g*) Is it a fact that he had been taken to the Jubbulpore British Military hospital for X'ray and medical examination but no X'ray of the gall bladder was made there?

(*h*) Are the Government considering the desirability of making arrangements for X'ray examination of the gall bladder in some other well-equipped hospital?

(*i*) Has Mr. Subhas Bose's illness been finally diagnosed yet?

(*j*) If so, what is the diagnosis?

(*k*) What is the report of the Medical Board which examined him at Jubbulpore?

(*l*) Is it a fact that they recommended that he should be treated in a well-equipped hospital?

(*m*) What steps do the Government propose to take for his treatment?

(*n*) Is it a fact that no systematic treatment has yet been started?

(*o*) Is it a fact that the Government have not informed Mr. Subhas Bose or any of his friends or relatives as to the diagnosis made by the Medical Board in his case?

(*p*) Are the Government considering the desirability of giving that information now?

(*q*) Is it a fact that Mr. Subhas Bose's brother Dr. Sunil Bose has been refused permission to examine Mr. Subhas Bose? If so, why?

(*r*) Under what authority has such permission been withheld?

(*s*) What are the objections to entertain claims from detenus to be examined by eminent physicians in whom they have confidence?

(*t*) Why has not Mr. Subhas Bose been sent to a well-equipped hospital as recommended by the Medical Board?

(*u*) What facilities are given to Mr. Subhas Bose for his recreation?

The Hon'ble Mr. R. N. REID: (*a*) The last report that this Government received indicated the presence of some gall bladder trouble.

(*b*) to (*u*) This is the concern of the Government of India whose prisoner he now is and the Government of Bengal are not in a position to say anything authentic.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether he is aware that the Government of Madras have agreed to have Mr. Subhas Bose examined by two of his own doctors, Sir Nilratan Sircar and Dr. Bidhan Chundra Roy?

The Hon'ble Mr. R. N. REID: Yes, I am aware.

Mr. SYAMAPROSAD MOOKERJEE: Is it not a fact that the Government of Madras has recently addressed the Government of Bengal on this subject?

The Hon'ble Mr. R. N. REID: I cannot recall any such correspondence on the subject.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if it is not a fact that applications for an interview with Mr. Bose have to be submitted to the Government of Bengal?

The Hon'ble Mr. R. N. REID: I must ask for notice.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state the date of the last report mentioned by him?

The Hon'ble Mr. R. N. REID: I cannot answer that offhand.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to tell us what facilities Government propose to give members of this House to obtain information in regard to prisoners like Mr. Subhas Chandra Bose?

The Hon'ble Mr. R. N. REID: I want notice:

Amendment of the Patni Regulation.

*35. **Babu SATYENDRA NATH ROY:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is the intention of Government to bring in a Bill for the amendment of the Patni Regulation (Reg. VIII of 1819) allowing *patnidars* to deposit the *patni* rent within 30 days from the date of sale, in accordance with the assurance given during the debate on the Bill introduced by Babu Kishori Mohan Chaudhuri on the 5th February, 1932?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): Government intend to introduce a Bill for setting aside *patni* sales on the application of the *patnidar* within 30 days, subject to certain conditions.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state when the proposed Bill is likely to be introduced?

The Hon'ble Sir PROVASH CHUNDER MITTER: We hope to introduce it in the winter session.

Gazetted officers in the Bengal Secretariat.

*36. **Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether there has been any increase in the number of Secretaries,

Assistant Secretaries, Deputy Secretaries, Under-Secretaries and other gazetted officers in the Bengal Secretariat after the introduction of the Reforms up to date?

(*b*) If so, will the Hon'ble Member be pleased to state the number of such appointments made, with the nature of work entrusted to each of them from time to time?

(*c*) Will the Hon'ble Member be pleased to state whether the Government are considering the desirability of reshuffling the Secretariat departments and thereby reducing the number of Secretaries and the clerical staff to their minimum, pending the recommendations of the Retrenchment Committee?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) Yes.

(*b*) A comparative statement showing appointments before and after the introduction of the Reforms is laid upon the table. The nature of the work done by each officer will be apparent from his designation.

(*c*) No.

Statement referred to in the answer to clause (b) of starred question No. 36 showing superior Secretariat appointments before and after the Reforms.

BEFORE THE REFORMS.	NOW.
Secretaries.	*Secretaries.*
Chief Secretary.	Chief Secretary.
Judicial Secretary (and Legal Remembrancer).	Judicial Secretary (and Legal Remembrancer).
Revenue Secretary.	Revenue and Irrigation Secretary.
General Secretary.	Local Self-Government Secretary.
Finance Secretary.	Finance Secretary.
Legislative Secretary.	Legislative Secretary.
*Public Works Secretary.	*(New posts.)*
*Irrigation Secretary.	Secretary, Agriculture and Industries and Public Works Departments.
	Secretary, Education Department.

*These appointments were held by the Chief Engineers in those departments.

Under-Secretaries.	*Under-Secretaries.*
Under-Secretary, Political, Judicial and Appointment Departments.	Under-Secretary, Political and Appointment Departments.
Additional Under-Secretary, Political, Judicial and Appointment Departments (temporary).	
(Corresponds to Assistant Secretary, Judicial Department.)	
Under-Secretary, Revenue Department.	
(Corresponds to Assistant Secretary, Revenue Department.)	
Under-Secretary, General Department.	
(Corresponds to Assistant Secretary, Local Self-Government Department.)	
Under-Secretary, Finance Department.	Under-Secretary, Finance Department.
Under-Secretary, Public Works Department.	
(Corresponds to Personal Assistant, Public Works Department.)	
Under-Secretary, Irrigation Department.	
(Corresponds to Personal Assistant, Irrigation Department.)	

Assistant Secretaries.	*Assistant Secretaries.*
Assistant Secretary, Legislative Department.	Assistant Secretary, Legislative Department.
Assistant Secretary, Public Works Department.	Assistant Secretary, Public Works Department.

Registrars.	*Registrars.*
Registrar, Political, Appointment and Judicial Departments.	Registrar, Political, Appointment and Judicial Departments.
Registrar, Revenue Department.	
Registrar, General Department.	
Registrar, Finance Department.	Registrar, Finance Department.
Registrar, Public Works Department. (Corresponds to Assistant Secretary, Irrigation Department.)	
Registrar, Legislative Department.	Registrar, Legislative Department.

NEW POSTS AFTER THE REFORMS.

Deputy Secretaries.

Deputy Secretary, Political and Appointment Departments.

Deputy Secretary, Finance Department.

Additional Deputy Secretary, Political Department (temporary).

Assistant Secretaries.

Assistant Secretary, Judicial Department—against temporary Additional Under-Secretary, Political, Appointment and Judicial Departments.

Assistant Secretary, Revenue Department—against Under-Secretary, Revenue Department.

Assistant Secretary, Local Self-Government Department—against Under-Secretary, General Department.

Assistant Secretary, Irrigation Department—against Registrar, Public Works Department.

Assistant Secretary, Agriculture and Industries Department.

Assistant Secretary, Education Department.

Second Assistant Secretary, Legislative Department.

Assistant Secretary, Finance Department.

Personal Assistants, Public Works and Irrigation Departments.

Personal Assistant, Public Works Department—against Under-Secretary, Public Works Department.

Personal Assistant, Irrigation Department—against Under-Secretary, Irrigation Department.

Legal Assistant, Legislative Department.

(This post was in existence before. It was given gazetted status in 1926.)

Mr. ANANDA MOHAN PODDAR: With regard to answer (*c*), can the Hon'ble Member be pleased to give an assurance that the recommendations of the Retrenchment Committee will be accepted by the Government?

The Hon'ble Mr. R. N. REID: No, Sir.

Number of men and women arrested under the Ordinance.

*37. **Babu KISHORI MOHAN CHAUDHURI:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing for every district in Bengal month by month for the period January to May, 1932—

(*i*) the number of persons arrested in connection with the civil disobedience movement;

(*ii*) the number of persons detained under section 3 of the Emergency Powers Ordinance;

(*iii*) the number of persons whose movements were restricted under section 4 of the Emergency Powers Ordinance;

(*iv*) the number of persons convicted;

(*v*) the number of women arrested in connection with the civil disobedience movement;

(*vi*) the number of women convicted in connection with the civil disobedience movement;

(*vii*) the number of persons whose properties have been attached for realisation of fines imposed upon civil disobedience prisoners;

(*viii*) the number of persons on whom fines have been imposed;

(*ix*) the amount of fine thus imposed; and

(*x*) the number of civil disobedience prisoners released during these periods before the expiry of their terms of imprisonment?

The Hon'ble Mr. R. N. REID: (*i*) to (*x*) Statements are laid on the table.

Statement referred to in the answer to clause (i) of starred question No. 37 showing the number of persons arrested in connection with the civil disobedience movement.

Districts.	January.	February.	March.	April.	May.	Total.
Jalpaiguri ..	75	53	38	10	2	178
Calcutta ..	433	473	437	341	174	1,848
Bogra ..	104	102	21	17	9	253
Malda ..	5	24	11	5	..	45
Birbhum ..	8	23	2	3	1	37
Khulna ..	53	34	24	8	13	132
Mymensingh ..	30	8	..	4	..	42
Darjeeling ..	5	9	2	0	2	18
Dinajpur ..	153	216	119	21	29	538
Howrah ..	74	193	101	61	30	459
Burdwan ..	94	83	50	7	8	242
Tippera ..	92	138	81	43	49	403
Noakhali ..		(No separate figures given.)				252
Midnapore ..	273	961	356	81	26	1,697
Bankura ..	101	178	133	23	34	469
Rangpur ..	30	137	113	13	2	295
Nadia ..	110	178	34	13	40	375
Jessore ..	22	47	23	16	6	[illegible]
Hooghly ..	217	209	63	73	49	[illegible]
Chittagong ..	3	3	2	0	0	8
24-Parganas ..	23	116	26	31	10	206
Rajshahi ..	65	64	23	9	7	[illegible]
Bakarganj ..	26	30	21	11	3	91
Faridpur ..	189	72	59	8	2	330
Dacca ..	293	301	182	64	76	916
Pabna ..	99	180	55	0	7	341
Murshidabad ..	113	44	39	4	5	205

Statement for the period from 1st January, 1932, to 4th February, 1932.

Divisions.	Serial number.	Districts.	Number of persons detained under section 3 of Emergency Powers Ordinance of 1932. [Question (ii).]		Number of persons convicted for offences relating to civil disobedience movement. [Questions (iv) and (vi)]		Number of persons released before expiry of sentence. [Question (x).]	
			Male.	Female	Male.	Female.	Male.	Female.
		WESTERN BENGAL.						
Burdwan Division.	1	Burdwan	16	.	128	8	..	..
	2	Suri (Birbhum) ..	9	..	6	1	..	..
	3	Bankura	1	..	74	..	..	..
	4	Midnapore—District and Central.	52	2	215	3	..	..
	5	Hooghly . ..	17	.	224	6	..	..
	6	Howrah .	20		29	4	..	..
		CENTRAL BENGAL.						
Presidency Division.	7	24-Parganas—District .	79	..	259	..	..	..
		24-Parganas—European	..	..	..	..	..	..
	8	Presidency—Calcutta ..	..	..	462	55	..	..
		Presidency—European	..	..	..	.	..	..
	9	Krishnagar (Nadia) ..	19	.	81	15	..	..
	10	Berhampore (Murshidabad)	2	..	128	6	..	..
	11	Jessore	5	..	11	..	..	..
	12	Khulna .. .	4	..	45	18	..	..
		NORTHERN BENGAL						
Rajshahi Division.	13	Rajshahi—District and Central.	40	.	78	..	..	..
	14	Dinajpur	9	..	119	18	..	..
	15	Jalpaiguri	..	..	119	..	..	..
	16	Darjeeling	..	.	8	..	..	..
	17	Rangpur .. .	14	..	50	..	..	..
	18	Bogra . .	.	..	95	14	..	..
	19	Pabna . ..	..	..	108	10	..	..
		EASTERN BENGAL.						
Dacca Division.	20	Dacca—District and Central.	17	..	190	3	..	..
	21	Mymensingh .	7	..	18	..	..	..
	22	Faridpur	23	.	249	..	..	..
	23	Barisal	6	3	23	..	..	..
Chittagong Division.	24	Comilla (Tippera) ..	54	12	235	12	..	..
	25	Chittagong	15	..	1	..	..	..
		Malda	..	..	5	..	..	..
		Noakhali	..	..	53	..	..	..
		Grand Total ..	409	17	2,912	173	..	..

Statement for the period from 5th February, 1932, to 1st March, 1932.

Divisions.	Serial number.	Districts.	Number of persons detained under section 3 of Emergency Powers Ordinance of 1932. [Question (ii).]		Number of persons convicted for offences relating to civil disobedience movement. [Questions (iv) and (vi).]		Number of persons released before expiry of sentence. [Question (x).]	
			Male.	Female.	Male.	Female.	Male.	Female.
		WESTERN BENGAL.						
Burdwan Division.	1	Burdwan	15	..	87	6	..	..
	2	Suri (Birbhum) ..	6	..	10	1	..	..
	3	Bankura	..	..	130	33	..	..
	4	Midnapore—District and Central.	3	..	752	58	6	..
	5	Hooghly	7	..	196	5	..	..
	6	Howrah	2	..	39	..	..	..
		CENTRAL BENGAL.						
Presidency Division.	7	24-Parganas—District ..	15	..	437	..	31	..
		24-Parganas—European	..	..	..	..	..	..
	8	Presidency Jail, Calcutta	..	..	258	26	..	2
		Presidency Jail—European.	..	..	..	..	..	..
	9	Krishnagar (Nadia) ..	3	..	119	1	..	..
	10	Berhampore (Murshidabad).	5	..	44	..	..	..
	11	Jessore	2	..	38	..	..	..
	12	Khulna	..	..	67	1	..	..
		NORTHERN BENGAL.						
Rajshahi Division.	13	Rajshahi—District and Central.	19	..	49	7	..	..
	14	Dinajpur	8	..	117	8	..	..
	15	Jalpaiguri ..	..	..	128	..	..	..
	16	Darjeeling ..	..	..	2	..	..	..
	17	Rangpur	11	..	117	16	2	1
	18	Bogra	..	..	88	11	5	..
	19	Pabna	..	..	238	11	1	..
		EASTERN BENGAL.						
Dacca Division.	20	Dacca—District and Central.	..	..	203	27	..	..
	21	Mymensingh ..	..	..	32	..	..	..
	22	Faridpur	11	..	96	2	9	..
	23	Barisal	1	..	19	..	..	..
Chittagong Division.	24	Comilla (Tippera) ..	17	5	290	34	..	..
	25	Chittagong ..	5	..	14	..	..	..
		Malda	15	..	5	..	..	..
		Noakhali	..	..	148	4	..	..
		Grand Total ..	145	5	3,723	251	54	3

Statement for the period from 2nd March, 1932, to 29th March, 1932.

Divisions.	Serial number.	Districts.	Number of persons detained under section 3 of Emergency Powers Ordinance of 1932 [Question (ii)]		Number of persons convicted for offences relating to civil disobedience movement. [Questions (iv) and (vi).]		Number of persons released before expiry of sentence. [Question (x).]	
			Male.	Female	Male.	Female.	Male.	Female.
		WESTERN BENGAL						
Burdwan Division.	1	Burdwan	..	..	28	3	6	..
	2	Suri (Birbhum)	..	..	3	..	..	..
	3	Bankura	..	.	57	12	..	..
	4	Midnapore—District and Central.	13	..	111	5	100	62
	5	Hooghly	..	.	49	1	..	..
	6	Howrah	..	..	32	..	..	..
		CENTRAL BENGAL.						
Presidency Division.	7	24-Parganas—District	..	.	145	..	262	..
		24-Parganas—European	..	..	..	..	..	..
	8	Presidency Jail, Calcutta	..	..	233	3	..	4
		Presidency Jail, European.	..	..	..	..	..	..
	9	Krishnagar (Nadia)	..	..	32	..	19	1
	10	Berhampore (Murshidabad).	..	..	18	..	8	1
	11	Jessore	..	..	32	6	5	1
	12	Khulna	..	..	39	..	..	..
		NORTHERN BENGAL.						
Rajshahi Division.	13	Rajshahi—District and Central.	4	..	21	8	16	2
	14	Dinajpur	..	..	46	6	26	..
	15	Jalpaiguri	..	..	23	..	10	..
	16	Darjeeling	..	..	13	..	..	..
	17	Rangpur	..	..	77	..	67	..
	18	Bogra	..	..	7	..	13	9
	19	Pabna	..	..	26	1	9	2
		EASTERN BENGAL.						
Dacca Division.	20	Dacca—District and Central.	..	..	50	10	5	3
	21	Mymensingh	..	..	13	..	..	..
	22	Faridpur	9	..	37	..	8	..
	23	Barisal	3	2	10	1	..	..
Chittagong Division.	24	Comilla (Tippera)	1	..	39	4	13	..
	25	Chittagong	3	..	3	..	2	..
		Malda	6	..	5	..	..	..
		Noakhali	...	..	18	1	..	..
		Grand Total	38	2	1,167	59	569	86

Statement for the period from 30th March, 1932, to 3rd May, 1932.

Divisions.	Serial number.	Districts.	Number of persons detained under section 3 of Emergency Powers Ordinance of 1932. [Question (ii).]		Number of persons convicted for offences relating to civil disobedience movement. [Questions (iv) and (vi).]		Number of persons released before expiry of sentence. [Question (x).]	
			Male.	Female.	Male.	Female.	Male.	Female.
		WESTERN BENGAL.						
Burdwan Division.	1	Burdwan	..	..	7	4	8	..
	2	Suri (Birbhum) ..	..	..	3	..	..	..
	3	Bankura	1	..	11	..	..	..
	4	Midnapore—District and Central.	4	..	51	10	17	..
	5	Hooghly	2	..	76	..	2	..
	6	Howrah	22	..	16	..	..	..
		CENTRAL BENGAL.						
Presidency Division.	7	24-Parganas—District .	..	..	99	..	102	..
		24-Parganas—European	..	..	..	..	..	..
	8	Presidency Jail, Calcutta	..	..	143	11	2	1
		Presidency Jail—European.	..	..	..	..	..	..
	9	Krishnagar (Nadia) ..	..	..	5	..	..	..
	10	Berhampore (Murshidabad).	7	..	9	5	4	..
	11	Jessore	2	..	32	12	..	..
	12	Khulna	..	..	37	..	1	..
		NORTHERN BENGAL.						
Rajshahi Division.	13	Rajshahi—District and Central.	3	..	8	5	4	..
	14	Dinajpur	1	..	20	..	11	..
	15	Jalpaiguri ..	6	..	11	..	..	..
	16	Darjeeling ..	..	..	6	..	..	..
	17	Rangpur	..	..	25	..	10	..
	18	Bogra	..	..	7	..	15	..
	19	Pabna	..	..	12	..	6	..
		EASTERN BENGAL.						
Dacca Division.	20	Dacca—District and Central.	..	..	39	12	9	..
	21	Mymensingh ..	..	..	5	..	..	..
	22	Faridpur	1	..	10	..	..	..
	23	Barisal	2	1	16	..	..	..
Chittagong Division.	24	Comilla (Tippera) ..	1	..	38	8	10	..
	25	Chittagong ..	2	..	2	..	..	..
		Malda	0	..	1	..	..	..
		Noakhali	..	..	7	..	..	..
		Grand Total ..	54	1	716	67	201	1

Statement for the period from 4th May, 1932, to 31st May, 1932.

Divisions.	Serial number.	Districts.	Number of persons detained under section 5 of Emergency Powers Ordinance of 1932. [Question (ii)]		Number of persons convicted for offences relating to civil disobedience movement. [Questions (iv) and (vi).]		Number of persons released before expiry of sentence. [Question (x).]	
			Male.	Female.	Male.	Female.	Male.	Female.
		WESTERN BENGAL.						
Burdwan Division.	1	Burdwan	..	..	6	..	..	..
	2	Suri (Birbhum) ..	..	..	..	..	..	..
	3	Bankura . ..	..	..	21	1	..	..
	4	Midnapore—District and Central.	..	..	24	1	50	..
	5	Hooghly	..	..	48	1	4	..
	6	Howrah	..	..	21	..	..	..
		CENTRAL BENGAL.						
Presidency Division.	7	24-Parganas—District ..	..	..	40	..	39	..
		24-Parganas—European	..	..	..	..	..	..
	9	Presidency Jail—Calcutta	..	..	47	..	..	..
		Presidency Jail—European.	..	..	..	..	..	..
	9	Krishnagar (Nadia) ..	..	..	31	2	..	..
	10	Berhampore (Murshidabad).	..	..	4	2	..	1
	11	Jessore	..	..	5	5	..	..
	12	Khulna	..	..	12	..	1	..
		NORTHERN BENGAL.						
Rajshahi Division.	13	Rajshahi—District and Central.	..	..	7	.	3	..
	14	Dinajpur	..	..	16	..	7	1
	15	Jalpaiguri ..	..	..	1	..	..	..
	16	Darjeeling ..	..	..	3	..	..	..
	17	Rangpur	..	..	3	..	4	2
	18	Bogra	..	..	2	..	..	..
	19	Pabna	..	..	3	..	..	..
		EASTERN BENGAL.						
Dacca Division.	20	Dacca—District and Central.	2	..	24	9	9	..
	21	Mymensingh ..	..	..	1	..	..	..
	22	Faridpur	1	2	2	..	..	..
	23	Barisal	..	..	2	..	..	..
Chittagong Division.	24	Comilla (Tippera) ..	..	2	22	..	11	..
	25	Chittagong ..	2	..	5	..	1	..
		Malda	..	..	..	..	..	..
		Noakhali	..	..	5	..	..	..
		Grand Total ..	5	4	353	21	129	4

Statement showing the number of persons whose movements were restricted under section 4 of the Emergency Powers Ordinance.

Districts.	January.	February	March.	April.	May.	Total.
Jalpaiguri	22	11	1	5	4	43
Calcutta	3	..	11	..	..	14
Bogra	26	2	6	16	5	55
Malda	..	12	..	..	..	12
Birbhum	22	28	37	33	..	120
Khulna	7	11	3	1	..	22
Mymensingh.. ..	..	..	..	..	2	2
Darjeeling	2	1	..	..	..	3
Dinajpur	64	81	87	44	37	313
Howrah	52	10	18	8	9	97
Burdwan	29	18	1	1	..	49
Tippera	44	61	115	59	53	332
Noakhali		(No separate figures given.)				84
Midnapore	346	140	36	16	12	552
Bankura	28	17	15	22	1	83
Rangpur	4	63	80	18	12	177
Nadia	118	32	16	15	8	189
Jessore	33	74	9	10	7	133
Hooghly	25	22	4	26	10	87
Chittagong	..	..	..	..	..	..
24-Parganas ..	52	80	67	21	9	229
Rajshahi	45	60	7	9	3	124
Bakarganj	53	40	36	19	2	150
Faridpur	81	51	27	7	..	166
Dacca	86	21	60	11	1	179
Pabna	21	42	18	9	3	93
Murshidabad ..	50	7	..	3	6	66

Statement showing the number of women arrested in connection with the civil disobedience movement.

Districts.	January.	February	March.	April.	May.	Total.
Jalpaiguri	..	4	..	..	..	4
Calcutta	21	17	2	4	..	44
Bogra	8	8	..	1	..	17
Malda	..	..	..	..	..	..
Birbhum	..	1	..	..	..	1
Khulna	14	4	..	..	..	18
Mymensingh.. ..	..	..	..	..	..	..
Darjeeling	..	..	..	..	..	..
Dinajpur	8	20	9	..	..	37
Howrah	5	..	..	..	..	5
Burdwan	3	..	8	..	1	12
Tippera	18	5	9	3	..	35
Noakhali	(No separate figures given.)					11
Midnapore	3	74	7	11	11	106
Bankura	..	31	33	8	1	73
Rangpur	..	16	..	..	..	16
Nadia	7	1	2	..	2	12
Jessore	..	3	3	4	..	10
Hooghly	2	5	2	..	1	10
Chittagong	..	..	..	..	..	..
24-Parganas ..	..	..	..	..	5	5
Rajshahi	..	1	..	..	..	1
Bakarganj	3	..	3	1	..	7
Faridpur	1	2	..	1	..	4
Dacca	14	37	79	23	25	176
Pabna	7	15	..	..	..	22
Murshidabad ..	7	..	12	..	..	19

Statement showing the number of persons whose properties have been attached for realisation of fines imposed upon civil disobedience prisoners.

Districts.	January.	February.	March.	April.	May.	Total.
Jalpaiguri	..	..	..	..	..	..
Calcutta	..	..	..	..	..	..
Bogra	6	7	1	1	3	18
Malda	..	..	..	..	..	..
Birbhum	..	..	..	..	..	..
Khulna	15	3	13	2	4	37
Mymensingh.. ..	2	..	..	..	..	2
Darjeeling	..	..	..	..	..	..
Dinajpur	11	20	14	5	2	52
Howrah	..	..	..	..	..	..
Burdwan	1	1	..	..	..	12
Tippera ..	..	..	..	..	..	..
Noakhali	(No separate figures given.)					12
Midnapore	4	43	17	9	3	76
Bankura	3	3	20	4	1	31
Rangpur	..	29	1	..	..	30
Nadia	..	..	2	..	..	2
Jessore	..	2	5	6	..	13
Hooghly	..	9	15	5	..	29
Chittagong	..	..	..	..	..	..
24-Parganas ..	1	..	..	..	..	1
Rajshahi	1	3	2	..	..	6
Bakarganj	13	5	5	1	..	24
Faridpur	1	3	3	3	1	11
Dacca	2	2	5	2	1	12
Pabna	4	1	5	..	1	11
Murshidabad ..	6	2	1	..	..	9

Statement showing the number of persons on whom fines have been imposed.

Districts.	January.	February.	March.	April.	May.	Total.
Jalpaiguri	5	..	..	..	..	5
Calcutta	24	25	16	6	2	73
Bogra	51	64	12	16	7	150
Malda	..	..	..	..	..	..
Birbhum	..	..	..	..	1*	1
Khulna	15	4	13	2	4	38
Mymensingh.. ..	2	1	..	..	..	3
Darjeeling	3	..	..	..	1	4
Dinajpur	42	61	36	7	1	147
Howrah	12	101	76	33	28	250
Burdwan	69	59	44	8	6	186
Tippera	5	3	6	..	..	14
Noakhali	(No separate figures given.)					107
Midnapore	6	86	92	10	4	198
Bankura	3	3	32	4	1	43
Rangpur	..	88	31	1	..	120
Nadia	..	9	29	9	2	49
Jessore	2	10	12	19	7	50
Hooghly	39	66	20	14	13	152
Chittagong	..	..	..	..	..	..
24-Parganas ..	8	27	3	..	1	39
Rajshahi	18	24	15	4	4	65
Bakarganj	15	8	21	7	1	52
Faridpur	6	9	15	11	2	43
Dacca	10	12	48	23	7	100
Pabna	8	5	16	..	1	30
Murshidabad ..	21	6	7	..	2	36

*Remitted on tendering an apology.

Statement showing the amount of fines imposed.

Districts.	January.	February.	March.	April.	May.	Total.
	Rs.	Rs. a.	Rs.	Rs.	Rs.	Rs. a.
Jalpaiguri ..	800	..	..	..	..	800 0
Calcutta ..	1,430	1,015 0	1,080	163	50	3,738 0
Bogra ..	4,150	4,475 0	2,200	1,575	1,300	13,700 0
Malda ..	..	..	..	..	..	..
Birbhum ..	..	..	..	..	*50	*50 0
Khulna ..	3,500	800 0	760	400	1,200	6,660 0
Mymensingh ..	100	..	600	..	1,000	1,700 0
Darjeeling ..	150	..	..	..	100	250 0
Dinajpur ..	3,865	5,880 0	4,600	910	200	15,455 0
Howrah ..	390	3,530 0	2,285	1,090	810	8,105 0
Burdwan ..	8,644	7,515 0	4,560	530	650	21,899 0
Tippera ..	265	80 0	325	..	..	670 0
Noakhali ..		(No separate figures given.)				18,165 0
Midnapore ..	275	4,545 0	4,085	690	200	9,795 0
Bankura ..	200	200 0	1,875	150	50	2,475 0
Rangpur ..	..	5,180 0	1,930	60	..	7,170 0
Nadia ..	..	620 0	1,555	285	200	2,660 0
Jessore ..	200	525 0	1,280	820	330	3,155 0
Hooghly ..	1,400	2,295 8	560	520	800	5,575 8
Chittagong ..	..	..	..	..	..	..
24-Parganas ..	1,222	3,180 0	215	..	50	3,667 0
Rajshahi ..	1,075	2,150 0	690	150	200	4,265 0
Bakarganj ..	710	2,550 0	1,560	780	30	5,630 0
Faridpur ..	300	550 0	1,740	1,200	75	3,865 0
Dacca ..	1,300	509 0	2,290	1,545	135	5,779 0
Patna ..	800	450 0	1,050	..	100	2,400 0
Murshidabad ..	1,175	350 0	240	..	55	1,820 0

*Remitted on tendering an apology.

Buildings seized or occupied under the Ordinances.

*38. **Babu SATISH CHANDRA RAY CHOWDHURY:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing since January, 1932—

(*i*) whether any buildings have been seized or occupied under the Ordinances;

(*ii*) the names and description of the buildings;

(*iii*) reasons for such seizure in each case;

(*iv*) whether under the Ordinances any cash has been seized;

(*v*) the total amount of such cash; and

(*vi*) the total value of properties seized other than cash under the Ordinances?

The Hon'ble Mr. R. N. REID: (*i*), (*ii*) and (*iii*) Statement A giving particulars of notifications under section 3 of the Unlawful Association Ordinance (IV of 1932) and section 59 of the Special Powers Ordinance (X of 1932), by virtue of which possession was taken of places used for the purpose of unlawful associations, is placed upon the table. A description of the places appeared in the issues of the *Calcutta Gazette* of the dates mentioned in the statement, and reference may be made to the Gazette.

The reason for seizure in all cases under section 3 of Ordinance IV and section 59 of Ordinance X was that the places were used for the purposes of an unlawful association.

Possession of a few places was also taken under section 4 of the Bengal Emergency Powers Ordinance, XI of 1931, for the accommodation of troops. Particulars of these places are given in Statement B.

(*iv*) Yes.

(*v*) Orders have been passed under section 7, Ordinance IV of 1932, for the forfeiture of a total sum of Rs. 3,233-14-3.

(*vi*) No valuation was made and none is now possible.

Statements referred to in the answer to clauses (i), (ii) and (iii) of starred question No. 38.

A.

LIST OF NOTIFICATIONS DECLARING CERTAIN PLACES IN BENGAL TO BE PLACES USED FOR THE PURPOSES OF UNLAWFUL ASSOCIATIONS OUTSIDE CALCUTTA.

	Number and date of notification.	Date of Gazette.
1.	2980P., dated 21st January, 1932	21st January.
2.	893P.S., dated 28th January, 1932	28th January.
3.	897P.S., dated 28th January, 1932	Ditto.
4.	910P.S., dated 28th January, 1932	Ditto.
5.	920P.S., dated 28th January, 1932	Ditto.
6.	926P.S., dated 28th January, 1932	Ditto.
7.	3313P., dated 28th January, 1932	Ditto.
8.	3504P., dated 28th January, 1932	Ditto.
9.	3979P., dated 4th February, 1932	4th February.
10.	3980P., dated 4th February, 1932	Ditto.
11.	4196P., dated 4th February, 1932	Ditto.
12.	4198P., dated 4th February, 1932	Ditto.
13.	4300P., dated 4th February, 1932	Ditto.
14.	4358P., dated 4th February, 1932	Ditto.
15.	4360P., dated 4th February, 1932	Ditto.
16.	4543P., dated 4th February, 1932	Ditto.
17.	4544P., dated 4th February, 1932	Ditto.
18.	4546P., dated 4th February, 1932	Ditto.
19.	4613P., dated 4th February, 1932	Ditto.
20.	4724P., dated 4th February, 1932	Ditto.
21.	4726P., dated 4th February, 1932	Ditto.
22.	4727P., dated 4th February, 1932	Ditto.
23.	4820P., dated 4th February, 1932	Ditto.
24.	5265P., dated 11th February, 1932	11th February.
25.	5267P., dated 11th February, 1932	Ditto.
26.	5391P., dated 11th February, 1932	Ditto.
27.	5392P., dated 11th February, 1932	Ditto.
28.	5560P., dated 11th February, 1932	Extraordinary Gazette, dated 11th February.
29.	5562P., dated 11th February, 1932	Ditto.
30.	5564P., dated 11th February, 1932	Ditto.
31.	5648P., dated 11th February, 1932	Ditto.
32.	5652P., dated 11th February, 1932	Ditto.
33.	5883P., dated 18th February, 1932	18th February.
34.	6194P., dated 18th February, 1932	Ditto.
35.	6196P., dated 18th February, 1932	Ditto.
36.	6216P., dated 18th February, 1932	Ditto.
37.	6518P., dated 18th February, 1932	Ditto.
38.	7475P., dated 25th February, 1932	25th February.
39.	7708P., dated 25th February, 1932	Ditto.

	Number and date of notification.	Date of Gazette.
40.	7908P., dated 25th February, 1932	25th February.
41.	7909P., dated 25th February, 1932	Ditto.
42.	8249P., dated 3rd March, 1932	3rd March.
43.	8255P., dated 3rd March, 1932	Ditto.
44.	8303P., dated 3rd March, 1932	Ditto.
45.	8402P., dated 3rd March, 1932	Ditto.
46.	8489P., dated 10th March, 1932	10th March.
47.	8518P., dated 10th March, 1932	Ditto.
48.	9288P., dated 17th March, 1932	17th March.
49.	9423P., dated 24th March, 1932	24th March.
50.	9652P., dated 24th March, 1932	Ditto.
51.	9653P., dated 24th March, 1932	Ditto.
52.	9666P., dated 24th March, 1932	Ditto.
53.	9788P., dated 31st March, 1932	31st March.
54.	10014P., dated 31st March, 1932	Ditto.
55.	10142P., dated 7th April, 1932	7th April.
56.	10587P., dated 7th April, 1932	Ditto.
57.	11178P., dated 14th April, 1932	14th April.
58.	11421P., dated 21st April, 1932	21st April.
59.	11612P., dated 21st April, 1932	Ditto.
60.	11613P., dated 21st April, 1932	Ditto.
61.	11997P., dated 28th April, 1932	28th April.
62.	12000P., dated 28th April, 1932	Ditto.
63.	12241P., dated 5th May, 1932	5th May.
64.	15479P., dated 14th July, 1932	14th July.
65.	15800P., dated 21st July, 1932	21st July.

LIST OF NOTIFICATIONS DECLARING CERTAIN PLACES TO BE PLACES USED FOR THE PURPOSES OF UNLAWFUL ASSOCIATIONS IN CALCUTTA.

	Number and date of notification.	Date of Gazette.
1-44.	211P. to 254P., dated 4th January, 1932	Extraordinary Gazette of 4th January.
45.	536P., dated 6th January, 1932	Extraordinary Gazette of 7th January.
46.	1315P., dated 9th January, 1932	Extraordinary Gazette of 9th January.
47.	1317P., dated 9th January, 1932	Ditto.
48.	1319P., dated 9th January, 1932	Ditto.
49.	1321P., dated 9th January, 1932	Ditto.
50.	1323P., dated 9th January, 1932	Ditto.
51.	1325P., dated 9th January, 1932	Ditto.
52.	1327P., dated 9th January, 1932	Ditto.
53.	1329P., dated 9th January, 1932	Ditto.
54.	1982P., dated 21st January, 1932	21st January.
55.	932P.S., dated 28th January, 1932	28th January.
56.	4210P., dated 4th February, 1932	4th February.
57.	4212P., dated 4th February, 1932	Ditto.
58.	4214P., dated 4th February, 1932	Ditto.
59.	11995P., dated 28th April, 1932	28th April.

B.

ORDERS ISSUED UNDER SECTION 4 OF THE BENGAL EMERGENCY POWERS ORDINANCE, 1931, IN THE DISTRICT OF CHITTAGONG.

Description of buildings and lands.

(1) Two-storied mud-house and compound near Gairala P. O., commonly known as the house of Bepin Behari Ghose of Gairala; area about 12 bighas.

(2) The hockey ground of the Patiya H. E. School.

(3) One mud-walled thatched house, two small tanks and paddy land measuring in all about 5 bighas belonging to Mohendra Lal Sirkar and four others of village Kachnai, police-station Patiya, Chittagong.

(4) Two stone buildings with compound in Barama village, owned by Syama Charan Sen Sarma.

(5) The New Girls' School, a mat-walled thatched house situated on the land of Babu Surendra Bijoy Choudhury of Kadhurkhil, together with its surrounding compound.

(6) The two northern rooms in the eastern *pucca* house in the compound of Babu Naba Chandra Choudhury.

(7) The southern house in the compound of Babu Chandra Kanta Deb, consisting of a four-roomed house with a *pucca* plinth and tin roof.

(8) The playing field of the Coronation High English School.

(9) The District Board Dak Bungalow and compound at Fatikcheri, together with the furniture.

(10) District Board Dak Bungalow, outhouses and compound at Patiya.

(11) District Board Dak Bungalow, outhouses and compound at Hathazari.

(12) District Board Dak Bungalow, compound and outhouses and a paddy field adjoining at Dohazari.

(13) Junior Madrasah at Tajpur, police-station Mirsarai.

(14) The empty house of Abdul Haque Choudhury in the bazar at Baryadhala.

Note.—The orders in items (13) and (14) were temporary only for the purpose of providing shelter to police in stormy weather.

Babu SATISH CHANDRA RAY CHOWDHURY: With reference to answers (*i*), (*ii*) and (*iii*), that possession of a few places was also taken under the Ordinances for the accommodation of troops, will the Hon'ble Member be pleased to state if compensation were paid for such possession?

The Hon'ble Mr. R. N. REID: I cannot give an answer without making inquiries.

Babu SATISH CHANDRA RAY CHOWDHURY: We find that the New Girls' School was also taken possession of for the accommodation of troops: Will the Hon'ble Member be pleased to state if there was not any house near by so that the girls' school could be spared.

The Hon'ble Mr. R. N. REID: I cannot reply without consulting my papers.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether the girls' school has ceased to exist or is being accommodated elsewhere?

The Hon'ble Mr. R. N. REID: I am afraid I cannot answer offhand.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether Statement B is a complete list?

The Hon'ble Mr. R. N. REID: Yes, it is, as far as possible.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if it is not a fact that certain houses have been taken possession of in the district of Midnapore and in the town of Midnapore under the Ordinance?

The Hon'ble Mr. R. N. REID: I am afraid I must ask for notice.

Mr. SHANTI SHEKHARESWAR RAY: The Hon'ble Member in Statement B gives the names of buildings that have been taken possession of under the Ordinance and there is no mention of Midnapore: So I wanted to know whether any information has been suppressed.

The Hon'ble Mr. R. N. REID: I am afraid, I cannot supply that information and must ask for notice; but no information has been suppressed.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Non-official visitors of jails.

20. Babu JITENDRALAL BANNERJEE: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether any non-official visitors have been appointed for (*1*) the Dum Dum Special Jail, (*2*) the Dum Dum Additional Special Jail and (*3*) the Dum Dum New Additional Special Jail?

(*b*) What is the total number of prisoners in the above three jails at present?

(*c*) What was the maximum number of prisoners ever kept in these prisons?

(*d*) Has the Hon'ble Member paid any visit to these jails himself?

(*e*) If so, how often and on which dates?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Non-official visitors for divisions II and III prisoners have been appointed. The question of appointing such visitors for division I prisoners is under consideration.

(*b*) On 23rd July, 1932, there were 785, 657 and 726 prisoners in the three jails respectively.

(*c*) Maximum numbers in the three jails are 963, 1,154 and 915, respectively.

(*d*) No.

(*e*) Does not arise.

Babu JITENDRALAL BANNERJEE: With reference to answer (*d*), will the Hon'ble Member be pleased to state if he has paid any visit to any jail during his term of office?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes.

Babu JITENDRALAL BANNERJEE: Might I ask, how often?

The Hon'ble Sir PROVASH CHUNDER MITTER: Possibly about four or five times.

Babu JITENDRALAL BANNERJEE: May I ask which jails were visited by him?

The Hon'ble Sir PROVASH CHUNDER MITTER: The Presidency Jail, the Alipore Central Jail and two or three others.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state how many working members of this Council have been appointed visitors for jails Nos. 1, 2 and 3 mentioned in the question?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state the reasons for the delay in appointing visitors for division I prisoners, having regard to the fact that visitors for divisions II and III have already been appointed.

The Hon'ble Sir PROVASH CHUNDER MITTER: Visitors for divisions II and III prisoners are appointed on one and the same basis by the Commissioner of the Division. Visitors for division I prisoners are appointed by Government and the matter is under correspondence with the Divisional Commissioner. His advice has been asked.

Deoli Detention Jail.

21. Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) how many détenus have been transferred to Deoli;

(*ii*) on what principle they have been selected; and

(*iii*) whether the Government of Bengal have any control over or connection with the Deoli Camp?

The Hon'ble Mr. R. N. REID: (*i*) 93.

(*ii*) Government are not prepared to give this information.

(*iii*) Administrative control of the Deoli Detention Jail is in the hands of local administration at Ajmer-Merwara. Government of Bengal bear the cost of running the jail and are consulted on any questions on which their advice may be required.

3-15 p.m.

Dr. NARESH CHANDRA SEN GUPTA: Is the Hon'ble Member aware that an assurance was given by the Government of India that the prisoners confined in the Deoli Jail would be treated on the same conditions as those prevailing in Bengal?

The Hon'ble Mr. R. N. REID: As far as I remember, some sort of assurance like that was given.

Dr. NARESH CHANDRA SEN GUPTA: Is the Hon'ble Member in a position to inform this House whether the conditions of prisoners in Deoli approximate to the conditions of prisoners in Bengal?

The Hon'ble Mr. R. N. REID: So far as I know, the conditions there approximate those in Bengal.

Dr. NARESH CHANDRA SEN GUPTA: Is it a fact that the Government of Bengal have nothing to do with the prisoners confined there even in an advisory capacity?

The Hon'ble Mr. R. N. REID: I would refer the member to my answer to (*iii*).

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether it is the intention of the Government of Bengal to transfer more detenus to Deoli?

The Hon'ble Mr. R. N. REID: It is the intention of Government to send more detenus there, when necessary.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state, with reference to answer (*iii*), whether it is a fact that the Government of Bengal cannot volunteer any advice and have to wait until advice is sought—that seems to be the gist of the answer?

The Hon'ble Mr. R. N. REID: I have nothing further to add.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state who will sign the orders of transfer and release of detenus confined in the Deoli Jail?

The Hon'ble Mr. R. N. REID: When the question arises the Government of India will do it in consultation with the Government of Bengal.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state under what authority the Government of India will consider the question of the retransfer of these prisoners to Bengal?

Mr. PRESIDENT: I cannot allow this question.

Babu JITENDRALAL BANNERJEE: Are the prisoners detained in the Deoli Jail dealt with under the provisions of the Jail Code?

The Hon'ble Mr. R. N. REID: I am afraid I must ask for notice.

Secretary, Medical College.

22. Mr. K. C. RAY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the staff of the office of the Principal, Medical College, before the Hogg Report; and

(*ii*) the present number of the staff?

(*b*) Has the increment of the staff been proportionate to the number of students admitted now and the income derived therefrom?

(*c*) Will the Hon'ble Minister be pleased to state the duties of the Principal of the Medical College and those of the Secretary?

(*d*) Is the Principal a wholetime man?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for the retention of the post of the Secretary during the present financial stringency?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) A statement is laid on the table.

(*b*) There has been no increase in the number of students admitted or in the income derived from them.

(*c*) The Principal of the Medical College is, as such, responsible for the working of the college as an educational institution, including arrangements for teaching, allotment of students to classes, maintenance of discipline, and connected educational matters in the Calcutta University and elsewhere. As Superintendent of the Medical College Hospital he is responsible for its efficient working both as a hospital and as a teaching institution.

The duty of the Secretary is to work out the details of administration, under the control of the Principal, and in particular, to manage the very complicated accounts of the Medical College.

(*d*) Yes. His time is fully occupied with his duties in connection with the Medical College, with the Hospital, and with outside but allied educational work.

(*e*) Because the work is considered sufficiently intricate to require the attention of a man expert in matters of accounts.

Statement referred to in the answer to clause (a) of unstarred question No. 22, showing staff in the office of the Medical College.

BEFORE THE HOGG REPORT.	PRESENT NUMBER OF THE STAFF.
1 Head Clerk.	1 Secretary.
5 Clerks.	2 Principal clerks.
1 Typist.	1 Accountant.
	1 Cashier.
	7 Clerks.
	1 Stenotypist.
	1 Typist.

Action taken against presses.

23. Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing for the last six months –

(*i*) the names of the—

(*1*) owners,

(*2*) editors,

(*3*) printers of newspapers, and

(*4*) printing presses,

against whom action has been taken under the Press Act or an Ordinance; and

(*ii*) the nature of action taken against each?

The Hon'ble Mr. R. N. REID: (*i*) (*1*), (*2*) and (*3*) Under the Indian Press (Emergency Powers) Act, 1931, action can be taken against the keepers of printing presses and publishers of newspapers but not against owners, editors and printers.

(*i*) (*4*) and (*ii*) A statement is laid on the table.

Statement referred to in the answer to clause (i) (4) and (ii) of unstarred question No. 23.

No.	Names of presses.	Nature of action taken.	
1	The Hari Press	Security of Rs. 1,000 demanded.	
2	The Indian Daily News Press	Security of Rs. 3,000 demanded.	
3	The Swatantra Press ..	Security of Rs. 1,500 demanded.	
4	The Excelsior Art Press ..	Security of Rs. 1,000 demanded	On representation exempted from the deposit of security.
5	The Sakti Press	Ditto	On representation security reduced to Rs. 500.
6	The Basanti Press .	Ditto.	
7	The Bengal Art Syndicate Press	Ditto	On representation security reduced to Rs. 500.
8	The Saogat Press, Ltd. ..	Ditto	On representation exempted from the deposit of security.
9	The Vedic Press	Ditto	On representation security reduced to Rs. 500.
10	The Sree Krishna Printing Works.	Ditto	
11	The Lokmanya Press ..	Security of Rs 2,000 demanded	On representation security reduced to Rs. 1,000.
12	The Vihari Press	Security of Rs. 500 demanded.	
13	The Calcutta Printing Works ..	Ditto.	
14	The Arjya Printing Works Press.	Security of Rs. 2,000 demanded.	
15	The Jewan Press .. .	Security of Rs. 1,000 demanded.	
16	The Bijoya Press .. .	Security of Rs. 500 demanded.	
17	The Ananda Press	Security of Rs. 1,000 demanded.	
18	The Vaidic Press	Security of Rs 500 demanded.	
19	The Amrita Bazar Patrika Press, Ltd.	Security of Rs. 3,000 demanded.	
20	The Basumati Electric Machine Press.	Security of Rs. 500 demanded.	
21	The Sivaji Press	Security of Rs. 1,000 demanded.	
22	The Swadesh Press ..	Security of Rs. 100 demanded.	
		FORFEITURE.	
23	The Indian Daily News Press	Out of the security deposit of Rs. 3,000, Rs. 500 forfeited.	

Note.—Security demanded in respect of numbers 1 to 22 under section 3(3) of the Indian Press (Emergency Powers) Act, 1931.
In respect of 23 security forfeited under section 4(1) of the Indian Press (Emergency Powers) Act, 1931.

Seth HUNUMAN PROSAD PODDAR: Will the Hon'ble Member be pleased to state whether some of the presses have ceased to exist for non-payment of securities?

The Hon'ble Mr. R. N. REID: I must ask for notice.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to item (*16*) of the statement, will the Hon'ble Mebmer be pleased to state whether the "Bijoya Press" stated therein is the one of that name in Dacca?

The Hon'ble Mr. R. N. REID: I am afraid I must ask for notice as I have to make an inquiry about it.

Motion under section 78A of the Rules and Standing Orders.

Surrender of jute export duty.

Mr. PRESIDENT: We will now devote two hours to a special resolution, notice of which has been given by Rai Keshab Chandra Banerji Bahadur under section 78A. I think copies of this resolution have been circulated to the members of this House. I now call upon the Rai Bahadur to move his resolution.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I beg to move that this Council recommends to the Local Government to convey to the proper authorities the opinion of the Council that the recommendations of the Federal Finance Committee regarding Bengal are wholly unsatisfactory and unacceptable and that this province should receive its full share of the income-tax receipts from the province and the entire proceeds of the export duty on jute.

The subject matter of the motion before the House which I have the privilege to move is not a new or novel one. It is a question in which Bengal is vitally interested. The resolution is that the recommendations of the Percy Committee so far as Bengal is concerned are wholly unacceptable and she cannot afford to lose her income-tax receipts and the jute export duty.

The Federal Finance Committee which were entrusted with the examination of the budgetary position of the Government of India submitted in their report that on the basis of the present provincial revenues, the budgetary position of the reformed provinces would be as follows:—

Madras would have a deficit of Rs. 20 lakhs; Bombay (excluding Sind), a deficit of Rs. 65 lakhs; Bengal, Rs. 2 crores; United Provinces would have a surplus of Rs. 25 lakhs; Punjab, Rs. 30 lakhs; Bihar and Orissa, a deficit of Rs. 70 lakhs, Central Provinces, a deficit of

Rs. 17 lakhs and Assam of Rs. 65 lakhs. The provincial forecasts indicate the precarious position of Bengal. To balance the budget, the committee have suggested the distribution of the income-tax receipts among the provinces. The total gross yield of income-tax in British India is nearly Rs. 18 crores and if the cost of collection is deducted, the net yield comes to Rs. 17,20 lakhs. The super-tax on companies, tax on salaries of federal officers and personal income-tax and super-tax levied in federal areas should be retained by the Federal Government and the balance available for distribution to the provinces would not be more than Rs. 13,50 lakhs. Of this sum, about Rs. 2,00 lakhs represent collections of personal super-tax (*i.e.*, other than company super-tax) and would be distributed on the basis of actual collections from residents. Of the balance of Rs. 11,50 lakhs, about one-seventh would approximately represent the estimated tax on the undistributed profits of companies and on the incomes of persons resident outside British India; and this fraction of income-tax receipts should be distributed on the basis of population. The remaining six-sevenths would be distributed on the basis of the estimated share of personal income-tax creditable to each province. If these principles are adopted, the distribution of income-tax to the provinces stands as follows: Madras Rs. 1,83 lakhs, Bombay (including Sind) Rs. 3,43 lakhs, Bengal Rs. 4,05 lakhs, United Provinces Rs. 1,23 lakhs, Punjab Rs. 91 lakhs, Bihar and Orissa Rs. 1,07 lakhs, Central Provinces Rs. 59 lakhs, Assam Rs. 29 lakhs and North-West Frontier Province Rs. 10 lakhs. If the total yield of the income-tax is released for distribution to the provinces, the Federal Government would naturally suffer from a deficit and the Federal Finance Committee have suggested that the provinces would contribute proportionately to the share of income-tax and the contributions suggested by the committee are as such: Madras Rs. 1,15 lakhs, Bombay (including Sind) Rs. 2,03 lakhs, Bengal Rs. 2,55 lakhs, United Provinces Rs. 78 lakhs, Punjab Rs. 57 lakhs, Bihar and Orissa Rs. 68 lakhs, Central Provinces Rs. 37 lakhs and Assam Rs. 18 lakhs. If full contribution is paid, the position of the provinces would be such, *viz.*, Madras would have a surplus of Rs. 48 lakhs, Bombay Rs. 54 lakhs, Bengal, a deficit of Rs. 50 lakhs, the United Provinces a surplus of Rs. 70 lakhs, the Punjab of Rs. 64 lakhs, Bihar and Orissa, a deficit of Rs. 31 lakhs, the Central Provinces, a surplus of Rs. 5 lakhs and Assam, a deficit of Rs. 54 lakhs. Even if the deficit provinces are relieved by spreading the charge over the other provinces, the position of Bengal would be nonetheless tragic. She would merely have a balanced budget but no surplus for constructive work.

The injustice to Bengal requires some examination. Since the Reforms of 1919, Bengal has been groaning under a grave financial injustice. The wrongs of the Meston Award have afflicted Bengal

immensely and laid her low and prostrate. Since then Bengal has been claiming a share in income-tax and jute export duty on grounds of sheer justice. The Federal Finance Committee have given their scheme of distribution of income-tax which does no justice to Bengal. Bengal contributes the largest amount in income-tax and she should get what she pays. If the federal revenues show any deficit, all the federating units would pay equally. As regards the jute export duty, both the Round Table Finance Sub-Committee under the chairmanship of Lord Peel and the Federal Finance Committee under the chairmanship of Lord Percy have shirked the question. In 1929-30, the total amount realised from export duties was as follows: Hides and skins Rs. 35·35 lakhs, jute Rs. 463·67 lakhs and rice Rs. 116·91 lakhs. The export duty on rice comes mostly from Burma and after the separation of Burma, it will be found that the export duties are in the tax schedules to exploit Bengal for the rest of India, the export duties being a central subject. Bengal has a virtual monopoly of jute and she is also concerned deeply in the export duty on rice and has also some interest in the export duty on hides and skins. Thus we find that after the separation of Burma, Bengal would be contributing nearly 98 per cent. of the export duty in British India. And to count export duty as a federal source of revenue would be a piece of discriminatory taxation. The imposition of discriminatory taxation administers a deep cut across the fundamental principles of federalism. A tax on the export of commodities from any State forms no part of the scheme of Federal Finance either in the American or in the Australian Constitution. In this connection I would refer to section 9, sub-section 5 of the American Constitution. Section 51(II) of the Australian Constitution lays down: "The Parliament shall, subject to this constitution, have power to make laws for the peace, order and good government of the commonwealth with respect to ..... taxation; but so as not to discriminate between states or parts of states." In the federal scheme of taxation this is a model canon. In a unitary constitution it may be urged that the taxation of a monopoly of a particular province for the benefit of other units should not be objected to but in a federal constitution the sacrifice of one unit at the altar of others has no meaning, except the meaning of exploitation. Justice and fair play demand that the export duty on monopolies should be enjoyed by the provinces of exportation. The levy of the export duty on jute is commonly justified on the ground that it is a monopoly commodity, and as such the export duty, it is argued, is paid not by the producers of Bengal but by the consumers. This plea, unfortunately, found favour with the Taxation Inquiry Committee. But it should be remembered that the conditions of trade are quite different now from what they were in 1924 when the Taxation Inquiry Committee expressed their opinion,—a state of affairs which that committee had themselves anticipated.

3-30 p.m.

The export duty on jute is the main source of income from exports and the history of the jute export duty shows that it was levied as a temporary measure in the exigencies of war finance. To meet the heavy demands due to war, this export duty was first imposed in 1916 at the instance of the then Finance Member, Sir William Meyer, and it was confidently expected that with the termination of the war, the duty would be removed from the tax schedule. But it is to be regretted that it has passed into the normal system of taxation of this country. Since 1916, Bengal has contributed more than 50 crores of rupees to the central Exchequer on this item alone, while she herself has languished all along on account of her attenuated resources. But when the provinces are being formed into federating units having fiscal and political autonomy without undue interference from the federal centre, it is quite in the fitness of things that any piece of discriminatory taxation should be blotted out from the federal tax-schedules; it would be not an act of grace but an act of barest justice. Taking all these facts into consideration, we are at one with the Professor Moore's opinion quoted by Mr. Donald Kerr on "the law of the Australian Constitution" that "the duties of customs mean duties imposed upon the importation of goods into the Commonwealth from part beyond the Commonwealth." The provincialisation of the receipts of export duties will give relief to all the provinces. Bengal will gain from export duties on jute and Burma from rice. Many economists have suggested export duties on lac, tea and oil-seeds; Bihar and Orissa is interested in lac, Assam in tea and Madras in oil-seeds. All these resources should be left for the provinces.

When the question of the provincialisation of the jute export receipts is raised, the issue is confounded by various subsidiary questions as to whether the jute export duty is a good tax or a bad tax or whether it is a monopoly or not. That is not the point at issue because personally I am no believer in export duties and I would advocate the terms of section 9, sub-section 5 of the United States Constitution which says that "no tax or duty shall be levied on articles exported from any State."

I do not wish to raise the question if jute is a monopoly or not though I dispute the contention that the jute export duty is paid in full by the foreign consumer and that even the Fiscal Commission and the Taxation Inquiry Committee had to admit that "an absolute monopoly for which there is a stable demand is of rare occurrence and it may, therefore, be taken as the general rule that some portion, if not the whole, of an export duty falls on the home producer."

In urging the provincialisation of jute export duty, I am backed by the opinion of our provincial Government. It was in 1927 that the

Hon'ble Mr. Marr said in this House: "While drawing the attention of the Meston Committee to this fact, the Government of Bengal based their claim on this ground not on the fact that the export duty on jute should be made over to them but that this factor should be taken into account in arriving at a final financial settlement on the ground that the export duty on jute encroached on the taxable capacity of the province. We argued that if the Central Government had not imposed this duty, it might have been open to the Local Government to do so in the shape of an excise duty or in some other way. As all hon'ble members know, this factor was not taken into account in the Meston Settlement." Those who have watched the proceedings of the second Round Table Conference know that under the leadership of the Hon'ble Sir P. C. Mitter, KT., the Bengal delegates submitted a very strong note advocating the provincialisation of the jute export receipts and I must thank the delegates because they truly and faithfully represented the grievances of Bengal. Credit is also due to Mr. K. C. Neogy, M.L.A., for the able manner in which he took up the question of income-tax and the export duty on jute in successive budget sessions of the Indian Legislative Assembly (March, 1927, to March, 1930).

There is another anachronism; it is this,—while the wealth of the Bengal jute-growers is being centralised and enjoyed communally, their welfare is the concern of the Bengal Government. The Government of Bengal would go on expending money for the moral and material improvement of the jute-growers, whereas the other provinces would enjoy the consequential benefits. Such an arrangement is iniquitous in a unitary constitution and suicidal in a federal constitution.

The suggestion that the province can improve her revenues by taxing other untapped sources does not stand the scrutiny of an economist because any one familiar with the conditions of the province knows that the export duty on jute encroaches on the taxable capacity of the province.

Bengal has already been bled white; her education has suffered, her health has deteriorated and her productive activities have stopped. There has been a huge economic wastage of her men and things for want of revenues. If the wrongs of the Meston award are continued, if Bengal is deprived of her natural resources, it would spell disaster on the province. If Bengal hopes to recover, if she wants to regenerate herself, she must have her income-tax and jute export receipts. Constitutional reforms mean nothing to her unless she gets her due share, and it is only meet and fair that she should not be exploited for the benefit of the other provinces. The cry "in the interest of India" does not hold good in a federal form of Government

and I hope every one will agree with the views expressed by His Excellency the Governor in one of his recent public utterances at Dacca "that Provincial Autonomy must fail, and fail disastrously in this province, if the existing distribution of resources is not modified in very material respects. It is absolutely vital that an equitable adjustment should be made before the new constitution takes final shape."

Before I conclude, I desire to state that a memorial signed on behalf of the local bodies and associations of Bengal is being submitted to the Secretary of State for India on this particular question, and I hope the House will give their unstinted support to that memorial. The memorial has been circulated to the members of this House.

3-30 p.m.

Mr. H. H. BURN: Sir, I beg to support the resolution, and I do not doubt that it will be adopted unanimously. During the past few months, since the report of the Federal Finance Committee was published, it has been the target for many criticisms, and it is natural that such criticisms should have been particularly emphatic in Bengal; more than anywhere else in India this province has had the bitter experience of struggling hopelessly against a financial settlement that has from the outset made a mockery of whatever chance there might have been of working the reforms successfully. Year after year it has been the same depressing failure, an estimated deficit for the past year of Rs. 2 crores, and for the current year, Rs. 1½ crores, representing between them a burden due to borrowings from the Central Government, of Rs. 25 lakhs a year for a greater number of years than any of us care to look forward to.

And this experience is going to be perpetuated and intensified if we are to have nothing better than what has been grudgingly offered by the Federal Finance Committee. Let us see what they do offer. The Federal Finance Committee's report gives a provincial forecast in respect of Bengal showing a deficit of 2 crores of rupees. It is proposed to give the province a share of income-tax amounting to Rs. 4 crores and 5 lakhs, but, on the other hand, the estimate of the full contribution payable to the Federal Government amounts to Rs. 2 crores 55 lakhs, so that Bengal is left with a deficit of Rs. 50 lakhs. In order to meet this, it is suggested that the full contribution should be abated to the extent of Rs. 50 lakhs, *i.e.*, reduced from Rs. 2 crores 55 lakhs to Rs. 2 crores 5 lakhs, and thus the finances of Bengal will be balanced!

Let us examine the basis on which the figures which I have quoted have been compiled. In the first place it would appear that the estimates of revenues are too optimistic. These are based on the assumption that there will be a return to more or less normal conditions by the year 1935-36. It is generally considered that the estimates of future revenue and expenditure should have been based on more conservative lines. Moreover, the committee state in paragraph 10 of their report, that they have not allowed for the effects of future constitutional changes, and that no provision is made for any additional expenditure directly due to the establishment of a federal system. The proposed extension of the franchise which will involve heavy expenditure reveals the incompleteness of any financial scheme, which does not take expenditure of this nature into account in its estimates.

It is a striking fact—the figures are here for any one to see in Table IV-A of paragraph 81 of the report—after applying the different principles adopted by the Federal Finance Committee, and after allowing for the payments of contributions from the province to the Federal Government on the full basis of these principles, it is a striking fact that surpluses should be shown in the cases of Madras, Bombay, the United Provinces, the Punjab and the Central Provinces: and that deficits should be shown only by Bengal, Bihar and Orissa, and Assam. There is surely something radically wrong with a scheme which is so drawn that, before making any adjustments, the three provinces which constitute the whole of North-East India should be labelled for all the world to see, among the lame, the halt and the blind. It is a melancholy reflection that this should be the fate of provinces which possess such enormous natural wealth, and which have produced the great industries that have flourished in the past and that, we hope, will flourish again. Bengal, with its monopoly of the growth of jute, its tea, its coal, its jute manufacture and all the other great industries that have grown up around Calcutta, Assam which owes its development to the tea industry, Bihar with its great mineral reserves—do these provinces deserve nothing better than to be handed out a financial settlement that will still leave them bankrupt and helpless?

It is true that the Federal Finance Committee propose an adjustment with a view to easing an impossible situation, and this is to be by way of remissions to the deficit provinces. But, Sir, we do not want this charity from other provinces. The essence of all real charity is that it shall be freely given, and gratefully accepted. This scheme of provincial remissions at the expense of other provinces will be a constant source of annoyance and irritation, and it will please neither him that gives nor him that takes. We in Bengal claim that the immense natural resources of our province, its great industries, entitle

us to demand as a right the recognition that the Federal Finance Committee propose to bestow upon us as a rather patronising concession.

3-45 p.m.

Bengal's claim to reasonable treatment is indisputable, and in this matter, at any rate, all members of the Council are likely to agree with the Government of the province. In the report which they prepared for the Statutory Commission a few years ago, the Government of Bengal said that the revision of the financial settlement was not a matter that would admit of delay, and they proceeded to show in a striking manner how grievously Bengal had suffered in the past because of the iniquitous allocation of finance. They pointed out that income-tax and customs, in which the taxable capacity of the province is largely concentrated, go to the Government of India, and that the Central Government took from Bengal a larger part of the total revenues, central and provincial, derived from the province than from any other province. For the five years to 1928-29, the revenue collected in Bengal from taxes on income represented 35 per cent. of the total collections for all India, and during these years provinces other than Bengal benefited to the extent of over Rs. 1,50 lakhs from the operation of Devolution Rule No. 15: but Bengal derived no benefit at all from the rule.

To turn to the question of income-tax, the provincial percentages, as suggested, require considerable amendment, if they are to prove acceptable and to operate fairly in any degree. It is proposed to give Bengal only 23·5 per cent. of the net income-tax collected as against a percentage of collections in Bengal of 36·2 in 1929-30. The proposal is made that Bengal should pay a reduced contribution to the Federal Government, but this is in the nature of charitable assistance to a province which is unable to pay its way, and I am sure that none of us in this House have any desire to see Bengal placed in a position of this sort. The formula upon which the Federal Finance Committee propose to allocate the share of income-tax to the provinces is purely an arbitrary one, and does not, in my opinion, do justice to Bengal. The proposal is to distribute the income-tax partly on the population basis and partly on the basis of receipts from personal income-tax, but the apportionment made by the committee on this basis is open to criticism and, from the point of view of Bengal, a fairer apportionment would give different results. I admit that the question of the distribution of income-tax presents a difficult problem, and it is difficult to think of any other method except that of basing the distribution primarily on the principle of domicile. On the other hand, there cannot be left out of account altogether the question of origin, and this

leads one to the consideration of what I would term the capital aspects of the problem in relation to the income which such capital produces and I am confident that, if the question of the income-tax as it concerns Bengal is looked at from the standpoint of domicile and capital, it will be found that the province is entitled to a much greater share of the income-tax than that recommended by the Federal Finance Committee. The Bengal Chamber of Commerce in a memorandum on this subject suggested that with regard to the population basis it would be fairer to take the figure at two-sevenths instead of one-seventh and on this basis Bengal would receive Rs. 4,20 lakhs instead of Rs. 4,05 lakhs as earmarked by the Federal Finance Committee. What I am trying to indicate is that the distribution of the income-tax to the province should bear some relation to the wealth of a province, and I submit that the wealth of Bengal entitles it to a greater share of the income-tax than that which has been suggested, namely, Rs. 4,05 lakhs.

The export duties on jute and on jute manufactures, derived almost entirely from Bengal, pour their crores into the coffers of the Government of India; but the people of Bengal have all the time to pay more for their requirements because of the protective duties imposed for the benefit of industries in other provinces—protection which confers practically no benefit upon them.

The resolution now before the House rightly claims that the proceeds from the export duty on jute should be reserved to the province, although I would suggest to my hon'ble friend that he should delete the word "entire," for strictly speaking Bengal is not entitled to the whole of the duty, but only to such proportion of it as represents Bengal's share of the total production of jute. That represents, of course, a very large proportion of the total, but not quite the whole. We know with what scant consideration the Federal Finance Committee disposed of Bengal's claim in this regard. "Bengal," they said, "has frequently put forward a claim to a share, in some form, of the proceeds from taxation on the export of jute. Assam, too, has recently claimed the excise duty on kerosene and motor spirit produced within its borders. These or any similar proposals raise highly controversial questions of principle: but as, in any case, they could only result in delaying *pro tanto* the remission of provincial contributions, we have not felt able to take them into account for the purposes of our scheme."

This is a very inadequate way in which to treat a serious claim, the recognition of which is already long overdue, particularly when, as a result of ignoring it, the committee could find no other way out of their difficulty than to suggest that this crying injustice to Bengal should be bought off with a remission of Rs. 50 lakhs. We in Bengal

demand that the time has come when there should be a definite abandonment of the doctrine that because a revenue derived from an export duty is classified under the head of Customs, the proceeds *ipso facto* belong to the Central Government, irrespective of the fact that the entire revenue is attributable to the industries of the people of the provinces in North-East India. I would remind the House that at the moment the duty falls upon the producers who are confined to those provinces.

With regard to provincial contributions, the Federal Finance Committee propose that these should be fixed on a scale based on the additional resources which they proposed to make available to the provincial Governments, that is to say, in proportion to their respective shares of income-tax. This is not an ideal method of fixing provincial contributions and the committee in paragraph 113 in their recommendations regarding "emergency" contributions, state a basis for such contributions which would apply with equal justification to the annual contribution. The formula suggested is a scientific survey of the relative taxable capacity of each province. A scientific survey of this description has not been attempted by the committee, but that is no reason why the problem should not be examined without delay. I have already complained that the committee failed to give adequate consideration to Bengal's claim to the export duty on jute, and turned it down in a single paragraph: and here again I think that we in Bengal are entitled to take exception to a scheme of contribution which is, by the committee's own admission, based on an unscientific survey of the ground.

In conclusion, I desire to say that the reforms cannot operate successfully unless they start on a sound financial basis. Finance is essential to every business, and success in business depends on sound finance. I submit that I can draw an analogy between a sound business resting on a firm financial foundation and the business of a Government. What is the business of a Government? It is good administration resting on a sound financial basis, and what this House is in fact asking for is that it should be provided with that basis. This is no unreasonable request. On the contrary, the demand is for financial justice. The "prospectus," if I may use the word, presented to the people of Bengal by the Federal Finance Committee, is not one which will attract the public, because it gives no adequate return for the contributions asked for. It does not provide for the nation-building development which the province so urgently needs. It makes no attempt to solve the economic problem which looms so largely in the everyday life of Bengal. It may be argued, perhaps with force, that the Federal Finance Committee did not visit India to solve that problem, but at the same time their recommendations have left

Bengal in such a position that she can be solvent only by reason of the remission to which I have already referred, namely, that of Rs. 50 lakhs. If Bengal is to solve the problem of provincial autonomy, her finances must rest on a surer foundation than that with which we have been provided by the committee, and this House is pointing to Government a way by which this foundation may be secured.

Babu JATINDRA NATH BASU: Mr. President, Sir, in approaching the consideration of this question I would ask the Council to remember certain material facts. Up to the inauguration of the Montagu reforms the Government of India was unitary and the provincial Governments were merely the agents of the Government of India. The taxes raised from every part of India belonged to the Government of India, and the Government of India doled out a part of those taxes to the provinces for the carrying on of the provincial administration. There were periodical contracts with the Government of India by which the Local Governments obtained their supplies. The Montagu reforms established a kind of partial provincial autonomy and divided the sources of revenue, gave some of the sources to the centre and some to the provinces and laid down the rule of contribution by the provinces to the centre. We have now approached a most important stage in the constitutional development of India. The provinces will now be independent sovereign units. In the old days, if a province failed to carry on its administration with the resources assigned to it, the Government of India was always behind, to help it to tide over its difficulties because the Government of India was the ultimate authority to which all the resources including the provincial resources belonged. Now we are going to launch into a system of administration in which every province will be an independent autonomous unit with certain specified resources. If we cannot carry on our own administration and work it with those resources, we are left severely alone. There will be no Government of India or the resources of the Government of India at the back of us.

In this connection I will call your attention to the complaint that has been made from Bengal not only recently but from very old days that Bengal has been contributing towards the expenses of the rest of India almost ever since the establishment of British connection with this country. It is with the resources of Bengal that other parts of the country were organised and developed and Bengal has met all that cost for nearly a century. But then Bengal formed a part of the entire body of the Government of India. Now it is going to be a separate independent body and the resources that are being left, as the Federal Finance Committee finds, will not be sufficient to enable Bengal to carry on even the ordinary work of administration.

4 p.m.

As has been pointed out by the previous speaker, the manner in which Bengal has been treated in the report of the Federal Finance Committee shows that the members of that committee were dealing with that problem with a great deal of hesitation and uncertainty. They did not know what to do. They were hesitating all the time and having regard to the manner in which they dealt with the question, it is no wonder that they have not succeeded in arriving at a solution. It has already been pointed out that they started with the fact that Bengal had a deficit of Rs. 2,00 lakhs, that the proportion of income-tax given to Bengal amounted to Rs. 4,05 lakhs, that they were taking from Bengal a contribution of Rs. 2,55 lakhs, and that the net result was that Bengal was left with a deficit of Rs. 50 lakhs. Well, those of us who have lived through the last ten years during which the Montagu reforms have been in force know that we in Bengal can only claim to have existed and not to have lived. Having regard to the various natural disadvantages we labour under, we have not been able to do anything not only to protect ourselves from the onslaughts of nature, but we have been able to do nothing for our own development and advancement.

Sir, Bengal has been recognised by the rest of India as a province which is probably more unhealthy than the rest of India. This is Bengal's misfortune. But that is a factor which cannot be ignored. We have to lose every year a considerable amount of man-power by reason of the prevalence of diseases. That is a condition of things which can be remedied. But this can only be remedied by money. But the Federal Finance Committee has left us out in the cold and has done nothing to relieve us from this state of affairs. Bengal has probably a much larger rainfall than the rest of India with the result that with our low level we are subject to inundations. In that way we lose a great deal of our wealth. Our houses require more frequent repairs than in the rest of India. Our roads give way almost every year although they are metalled, while in the rest of India the roads are metalled once in four or five years. We live in a deltaic region: in a large part of the province the rivers change their course carrying away our houses and lands and we have to re-erect our houses elsewhere and to find lands for ourselves. These are the normal conditions under which we in Bengal live, and the Federal Finance Committee has not taken all that into consideration when leaving Bengal with a deficit of Rs. 50 lakhs a year. Well, Sir, I submit that the problem has not been approached at all in the right spirit. The facts have not been properly investigated. If Bengal had not formed part of the Federation in India, what would have taken place? We would have more than three times the resources that we have now, and we could have turned the whole of this province into a garden. Because

we happen to be united to the Federation of India, our life-blood will be sucked away. We have heard that during the last ten years other provinces have gone ahead: they have established free primary education in many places: they have gone on with agricultural improvements and the development of industries; while we have been sitting with folded hands contemplating our problem. That is what we have had to do in Bengal. Sir, in the state of things in which we in this province and those connected with this province find ourselves, it has become impossible for us to exist. We must make it clear to those who have the framing of the constitution in their hands that in the matter of the adjustment of finances between the Federal Centre and Bengal, she has been unjustly and cruelly treated. Sir, the resolution asks for a more equitable arrangement regarding the income-tax of the province. It also asks for the export duty on jute. Sir, it has been pointed out by my friend Rai Keshab Chandra Banerji Bahadur that in no federal constitution does a federal centre ever claim to be entitled to any export duty from any constituent State. Bengal is going to be a State. Why should the Government of India make that extraordinary claim to the export duty on jute which is solely grown in Bengal. Sir, there have been many attempts to grow jute in some other parts of the world; probably the conditions of the soil in those places permit of the growth of jute there. But the people of those places have failed. We in Bengal know how to grow jute and how to make it a marketable commodity. In the hot sun and in the pouring rain we stand knee-deep in those foul swamps with the rotten jute-plants around us. We beat the plant and extract the fibre so that it may be placed on the market. No other people have tried to grow jute because they cannot stand all that trouble. For whom, Sir, we in Bengal are doing all these things?—not for our own people, not for our own homes, not for our children, but for others. In federating with the centre I do not mind making any suitable contribution. Let it be reasonable and on the same basis with the rest of India.

With these words I whole-heartedly support the motion.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I from this side of the House give my whole-hearted support to the resolution of my friend Rai Keshab Chandra Banerji Bahadur. I think it is a lesson which not only the people of this country but the people at Home should learn that in spite of the fact that to-day we stand almost in an atmosphere of distrust and suspicion between the Government and the governed, between people and people, and between race and race, this is one resolution on which each and everybody, the Government and the people, are agreed and they have together urged for the last ten years that Bengal has suffered from a grievous financial injustice as a result of the settlement made in the past, and is again going to

suffer in the financial adjustments that are coming into force. Sir, our distinguished countryman Mr. Jatindra Nath Basu was just now drawing attention to the picture of Bengal which was once the land of smiling plains with finest rivers and which is now a country of people diseased, emaciated, ill-educated and ill-fed in the lease of life, simply because Government has not enough money to meet the barest minimum needs of administration. On the other hand, we are expected to develop this province, increase its resources and also to take other measures by which industrial development may be possible in order that we in this province may stand on our own legs. Our men in this province will reap the jute and yet at a time when Bengal is passing through a financial crisis of the greatest magnitude, we have to accept the proposition that the export duty on jute belongs to the Central Government—an export duty which economists all the world over will agree belongs to the province of which it is a monopoly. In spite of the fact that even with the modern industrial development of the country people are taking so largely to jute-growing and making other uses of it, this export duty is continuing to fill the coffers of the Government of India. I think I am not taking you back many years when one of the distinguished sons of India raised the question of salt-tax which is a great burden to the province of Bengal. Bengal has been hard hit by the recent taxation of salt which has been introduced by the Government of India. Sir, I am not speaking about the income-tax, because it is a well-known fact and it has been stressed so many times that I need not say anything beyond that the development of the country can only bring in this income-tax. Sir, since the reforms were initiated, the Government of Bengal have existed on the barest minimum required to meet her requirements and if we look round this province as also other provinces, we find that the other provinces have taken advantage of the reforms and yet, rightly or wrongly, it has not been possible even for those who have honestly worked with Government to show to the people at large what good Government have brought to the country in the shape of the development of her resources. I may frankly say that the blessings of the British rule are taken as an accepted fact. If hundred years back people were told that dacoities had ceased, they would not perhaps believe it, but to-day we take it as an accepted fact. What other benefits in the shape of industrial development, educational facilities, medical assistance and other welfare work can we attribute to Government? What are we to show to the people? The Education Minister is being pestered by the people for more funds for educational facilities; and I know, Sir, it is a patent fact that the Ministers are there simply to occupy the Government benches with very little resources at their command for the development of the country. Sir, I think, though I am not saying anything to contest what Mr. Jitendralal Bannerjee said yesterday, that it is a fact that

this terrorist movement has gained support because Government has no funds; it is possible for Government to take up works for their benefit. I think a new aspect is coming in the political situation of the country.

4-15 p.m.

We were so long a subordinate branch of the British Administration and the time is fast coming when this federating unit should have as much independence as anybody else in federation; and I think a new orientation in policy is very much needed in the financial sphere so that the federating units might live and might meet their normal needs. Mr. Burn was telling us that the Federal Finance Committee discussed the matter from the point of view as if the sole principle of federal finance were to deprive a State of its just revenue; yet he has forgotten that aspect which the committee ought to have kept in view, *viz.*, a province which has more needs to meet also requires more money. That aspect has been completely forgotten so far as the Federal Finance Committee is concerned. Probably, no committee in the world has ever brushed aside such a momentous question as the Federal Finance Committee have done which has dismissed it almost in a few lines. Sir, I shall not take much of the time of the Council, but I will only say that Bengal, in spite of her evil days, is still shining in her industrial development, in her educational facilities, and with the private munificence of her sons, the scientists and industrialists are developing the resources of the country, Bengal still stands at a plane which is the envy of certain parts of India. We have graduates—more graduates in the Art side, but I may tell you that to whatever province you go, you will still find—in spite of the calumny flung at the Calcutta University—science graduates are still holding an honourable place by the side of the other universities in India. I may say also that industrialists and scientists still have to play their part in the future of this country. Sir, it would not be well if Bengal were left aside and neglected. Instead of a country which has been developed under the auspices of the British Crown, are we to find 150 years after that Bengal is full of disease and pestilence, with famines not infrequent and economic distress at several places and with want of educational facilities, etc.—for want of money. But now Bengal, in spite of her difficulties, has prospered and has done things in which we can take just pride.

But, Sir, I feel that an occasion has come when, apart from the question as to whether we should get justice or injustice, equity or iniquity, our needs should be satisfied on the basis of our minimum requirements so far as Government is concerned. Sir, we do not claim

any special privileges. We only want that our resources should be suitable to our needs. I have nothing further to say except that I support the resolution whole-heartedly.

Mr. B. C. CHATTERJEE: As a lawyer I have never had a better case to make out than I could on the materials which, thanks to the courtesy of the Hon'ble Mr. Woodhead and Sir P. C. Mitter, I was able to look into regarding this question. Now, Sir, it appears that the Round Table Conference appointed the Peel Committee to go into the question of federal finance. It found it too big a task to tackle in detail, and, therefore, the committee formulated some general principles for the guidance of a committee which was later on to go into the facts, and come to more concrete conclusions. One of the matters, however, on which the Peel Committee was quite clear is that the income-tax which accrued to the Government of India from all over India was to be divided into two heads, and that a certain portion of it would go to the Federal Government, and the remaining portion would have to be distributed among the provinces on certain principles which they indicated. Now, Sir, following the Peel Committee's report, we have had the Percy Committee appointed in India. They have produced a very lucid report in which the case for Bengal has been made out on a basis than which nothing stronger could be imagined in favour of this province. Now, Sir, the Percy Committee have made an endeavour to find out other sources of federal revenue than the Central Government at present have, and they have suggested an excise duty on matches which in their opinion would bring in Rs. 3 crores. I may note in passing that this was one of Sir P. C. Mitter's suggestions in his note appended to the report of the second Round Table Conference. There are certain other sources from which an excise tax might, according to Sir Provash, bring in more revenue for the Federal Government, but that point I might leave out for purposes of this present discussion. Then the Percy Committee proceeded pursuant to what the Peel Committee enjoined, and going into the question of income-tax they came to the finding that the total yield from the super-tax on companies (which is also styled as the Corporation tax) shall go to the Federal Government, that the income-tax paid by the servants of the Federal Government is to go to the Federal Government; as also the income-tax derived from people who live in the federally administered area. Well and good. Let the Federal Government have this. Then the Percy Committee say that the rest of the income-tax must go to the provinces, and they go into very very fine calculations in order to allocate to each province the particular amount which should be credited to it from the total amount of income-tax levied from all over India. The important matter for our present purpose is that we find on their calculation that Bengal will be credited with a sum of

Rs. 4,05 lakhs as representing the yield from her income-tax. So they allocate that sum to Bengal. Then, of course, comes the crucial question of provincial contribution, which has given us so much trouble. They find that when the Federal Government starts, each province must make a contribution to it, and they fix Bengal's contribution under this head at Rs. 2,55 lakhs, which would leave Bengal just a crore and a half out of the total yield from her income-tax. We find, however, that the deficit of Bengal is Rs. 2,40 lakhs. They have advised us in the Legislative Council to put our heads together with Members of Government for devising ways and means whereby to retrench at least to the extent of Rs. 40 lakhs. But I would just ask you to remember the fact which they altogether ignore that just a few years back the Government of Bengal had instituted an elaborate scheme of retrenchment and had considerably reduced their expenditure. However, they ignored that, and they have to that extent denied us justice. We have been asked to retrench to the extent of Rs. 40 lakhs, which would leave the deficit of Bengal at Rs. 2 crores. She will have, however, only Rs. 1,50 lakhs out of her income-tax. Therefore, they say you must get another Rs. 50 lakhs out of the income-tax which the Federal Government will levy upon other provinces, so that by getting the two crores we shall just balance our budget. This is rather a dismal prospect, all that the elaborate calculations come to, on the whole, is that when we enter on the federal scheme, we in Bengal will just have our budget balanced. What, Sir, is the good of having our budget balanced, if nothing further can be spent on those departments which will bring in a greater future revenue, and will redound to the benefit of the people, educationally, morally, and from other constructive points of view? Now, Sir, on the face of it, it looks rather a hopeless situation. But when we look closely into the matter, we find that the Percy Committee have, on the quiet, committed us to a position in which we have to make our provincial contribution to the Federal Government three times over. It is in this way: It was clearly pointed out to the Percy Committee that the tax on jute is really the property of Bengal, because it is Bengal's capital and Bengal's labour which have been invested in jute, and it is Bengal and Bengal only which produces this jute. That being so, it was suggested to them that this source of income should be left with Bengal. The Percy Committee just graze past this question with the observation that if you want to take the yield from the export duty on jute, then what about the extinction of the provincial contribution? How would your provincial contribution be extinguished if you take this export duty on jute? But the point is this: the export duty on jute, according to the figures supplied by Sir P. C. Mitter in his note before the second Round Table Conference, comes to between Rs. 4 and Rs. 5 crores, and the amount which we should have by having the

provincial contribution extinguished is Rs. 1½ crores. Surely, for the sake of the eventual extinction of a liability of Rs. 1½ crores, we cannot be asked to surrender to the Federal Government a revenue of between Rs. 4 and 5 crores, that is to say, the total yield from the duty on jute. I would like to know, Sir, on what principle is this tax on jute to be taken away from Bengal? According to the canons of federal finance, we find that according to the Australian Constitution which, by the way, was fashioned and forged in the fire of real experience of the kind that lies ahead of us, as well as the American Constitution, an export duty on the produce of a single State is prohibited to the Federal Government. This suggestion of the Percy Committee is thus both against precedent and commonsense, as well as against fairness. Therefore, we can very well say that on no ground can you ask Bengal to give up the amount which she would make on the export duty on jute. If it means that our provincial contribution will not be extinguished in that event, we would rather go on giving to the Federal Government one and a half crores every year out of the yield from our income-tax. If it is said that an export duty can only be levied by the Federal Government, and not by a provincial Government then our reply will be: Take off this export duty; we shall realise the same amount by some sort of terminal tax which is expressly within the province of a provincial Government. I submit we have a good case against the Federal Government on this matter of jute duty and I hope the Central Government will listen to our case regarding this matter. I shall only conclude by repeating that we would prefer going on paying our provincial contribution, if necessary, provided we get the rest of the income-tax, and the whole of the export duty on jute.

[At 4-35 p.m. the Council was adjourned for prayer and it reassembled at 4-45 p.m.]

Mr. ANANDA MOHAN PODDAR: Mr. President, Sir, the financial condition of the Government of Bengal is far from satisfactory. The administration is running at a deficit of Rs. 2 crores in the current year. And there is no prospect of any improvement of the financial condition in near future; on the other hand, the country will drift into further deficit along with the general economic depression of the country.

The reason for this abnormal situation in Bengal is rightly attributed to the Meston Settlement by which the province has been deprived of a very large share of its own income.

Unless and until that settlement can be revised, there is no prospect of Bengal's condition being improved.

Sir, the most inequitable and unjust award of the said settlement is the appropriation of the entire amount of the jute tax to the Government of India.

Jute is a monopoly-product of Bengal and she can rightfully claim the income derived from jute. The condition of other provinces is quite different from Bengal; while all other provinces are marching along the road of improvement, Bengal is lagging behind owing to her straitened financial condition. Her nation-building departments are starving for want of funds. Even a beneficial measure like the Primary Education Act cannot be given effect to without fresh taxation in Bengal, and the prospect of raising money by taxation is almost nil owing to the present economic depression. But the panacea of all the difficulties lies in the revision and resettlement of the financial arrangement.

The Government of India appropriate about four and a half crores of rupees from the jute tax which is a rightful claim of Bengal.

Sir, this jute export duty was first introduced to meet the extraordinary financial stringency of the Government of India during the Great War.

Between the years 1880 and 1916 there was no export duty except the duty on rice. The jute duty was first levied in 1916. In moving for adoption of this new form of taxation, Sir William Meyer, the then Finance Member, pointed out that "jute is an article which can well bear a special rate of export duty, not only because of the present prosperity of the trade, but in view of the monopoly which India has in this product." On that occasion he dwelt upon the special financial needs of the Government of India in view of the liability which the war had thrown upon the Government of India.

But there is no justification that the Government of India should appropriate the entire jute tax for all times. Bengal in her needs should not be deprived of her rightful claims to it.

Sir, as the time at our disposal is short, I do not wish to trench upon the claims of other speakers. I fully endorse the views so ably put forward by my esteemed friend, Rai Keshab Chandra Banerji Bahadur, in connection with the question of income-tax and I hope considering the paramount importance of the question, the House will adopt the motion unanimously.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I rise to support Rai Bahadur Keshab Chandra Banerji. I have carefully gone through the report of the Federal Finance Committee. We, in Bengal, can on no account support that report. If action is taken in the light of that report, it would be detrimental to the best interests of Bengal, and that, Sir, for long years to come.

We do not find a single of Bengal's son as member of the Federal Finance Committee. So the premier province in India went unrepresented in this committee on the most vital point, which will affect her seriously in the matter of administration. The report admits that it did not even "receive formal evidence from non-official sources."

This, Sir, is the constitution and procedure of the Federal Finance Committee.

Its recommendations, if taken into action, would ruin Bengal without any hope of recovery.

This report opines "that receipts from excise on country liquor" has considerably fallen, and the report goes on, Sir, I quote, "it will, we think, be generally agreed that a province which deliberately foregoes revenue in this manner cannot fairly ask for special treatment in the distribution of income-tax at the expense of other provinces." Sir, by quoting this, I only beg to draw your attention to the collective mentality of this committee.

The committee says—well, you do not drink. Therefore, you cannot get your income-tax! Is this logic? Is this sense? It is insulting the nation in her utter helplessness.

Our income-tax we want. Our jute duty we want. How it can be at the expense of other provinces, I do not understand. I am sure nobody in his senses can understand it.

Now, to the sympathy and advice of this committee—The report says "we fully appreciate the difficulties through which Bengal is now passing, but we cannot believe that the Bengal Government and legislature have no means at their disposal, whether of economy or of increased taxation, to reduce a deficit of this magnitude." This is the sample of sympathy and the sample of advice we get from this committee.

I ask anybody in the House—can our retrenchment go further? Can our taxation be still increased? I say it cannot. There can be no further retrenchment than what we have already suggested. There can be no further increased taxation.

It is a plain truth, Sir, that if we do not get back our income-tax, if we do not get back our jute duty, this Government, I mean Bengal Government, can function on no account.

We know a bit of the Federal Finance. More than half of the total revenues is eaten up by the army! And this is an army of occupation as the late Mr. Gokhale had said long ago. And the provinces are to contribute in the interest of the Empire. But, Sir, if the provincial

units die how the Federation or for the matter of that Empire can live? The federation cannot thrive on the dead bones of provincial units, at any rate of Bengal.

Every one of us knows that our deficit budget is quite alarming. We have borrowed from the Central Government. We have mortgaged our revenues. We estimated our probable deficit to be Rs. 1 crore and 64 lakhs. But, Sir, I showed in my budget speech that it was an underestimate. The deficit would go up to Rs. 3 crores and 58 lakhs, if not more.

His Excellency the Governor only the other day spoke at Barisal that in a budget of Rs. 11 crores with Rs. 2 crores as deficit, none but supermen can suggest further retrenchment.

Sir, we are not supermen—we are very humble and ordinary men. But we did suggest further retrenchment without making the Government inefficient. Would it be carried out?

Again, we are not supermen—most ordinary men we are—and it does not require the brain of a superman if Bengal asks for her income-tax and jute duty on the eve of the great constitutional change that is probably coming.

I confess that Bengal has become, of late, the eye-sore of other provinces. The premier province of India is reduced to the status of a beggar! This is only a statement of fact. And a very shameful fact. Sir, with Rs. 2,00 crores or thereabout as our agricultural debt, with the 80 per cent. of our young men unemployed, with a deficit of about Rs. 3 to 4 crores in our budget of Rs. 11 crores, is it too much for Bengal to ask for her own income-tax and jute duty?

Unless we get them with a sham Provincial Autonomy, Bengal Government cannot function—much less to finance any new constructive policy.

Sir, we in Bengal representing the people are of late not taken into confidence or consultation by our authorities. We are not consulted to adjust our budgets in relation with the federal budget.

These are very bad days for Bengal. But, Sir, in the year 1832 the great Bengalee Raja Ram Mohan Roy was the only Indian, who guided and most ably guided the finances of the Indian empire on the eve of the then momentous constitutional change from the East India Company to the Crown. And not only that, the economists of Ireland came all the way to London to learn Irish economics in the matter of land tenures from that great Bengalee, Raja Ram Mohan. In 1932, just 100 years after the Raja, none of his countrymen in Bengal is considered fit to adjust our own finances and for that, our Government is to-day most hopelessly bankrupt.

Sir, I support my friend, Rai Bahadur Keshab Chandra Banerji, with all the emphasis I have in my power.

The Hon'ble Mr. J. A. WOODHEAD: Sir, the resolution which has been moved by Rai Keshab Chandra Banerji Bahadur raises a question of paramount importance to this province and one with which we are one and all deeply concerned and I have listened with the greatest interest to the speeches made by the members of all parties on this vital question. The Report of the Federal Finance Committee was published in May of this year and at the beginning of June, just over two months ago, the Local Government forwarded to the Government of India and the Secretary of State an expression of their opinion on the committee's recommendations. The official view is, therefore, now before the Government of India and the Secretary of State and if this resolution is carried, the Government of India and the Secretary of State will also have before them the views of the non-official members of the Legislative Council on this most important matter. The debate has afforded the members of the Council an opportunity of expressing their views, and in so far as it has done so, it may be said to have fulfilled that purpose. At the same time, I feel sure the House will also desire, and rightly so, an indication of the main points taken by the Local Government in communicating their views on the proposals contained in the Report of the Federal Finance Committee to the Government of India. While speaking on the resolution, therefore, I do not propose to examine the views expressed or the arguments used by members in course of the debate but rather to take the opportunity to explain without overloading the subject with detail the main contentions the Local Government have raised in their observations on the report of the Federal Finance Committee.

Sir, it is almost unnecessary for me to enter into past history. The history of Bengal during the last 11 years under the Meston Settlement is well known to all members of the Council. I would only say this: the results of that settlement were first, a balanced budget could only be obtained by additional taxation and the exercise of the strictest economy, secondly, practically nothing could be spared for the expansion of the beneficial activities of Government. During the last 11 years the Local Government have never accepted and have never ceased to protest against the treatment which the province received under the financial settlement of 1921. Not only have they never ceased to protest but they have repeatedly urged the necessity for a revision of that settlement with the object of assuring to Bengal a revenue adequate to her needs and proper development. In this matter of the Meston Settlement, official and non-official opinion has been throughout the whole of the period in one accord and the Local Government have been in the happy position of having enjoyed the full and unstinted support of the non-official opinion, both inside and outside this Council. Sir, in these days when lack of agreement is not unusual and often pronounced, it has been particularly gratifying to the Local Government

to know that on this important question of the financial settlement all sections of non-official opinion have presented a united front and that non-official and official opinions have been so closely in agreement.

5 p.m.

Before I pass on to the Report of the Federal Finance Committee, might I refer the Council to the remarks made by the Local Government in the letter in which they communicated their views on the financial proposals of the Indian Statutory Commission? That letter, Sir, has been published in a volume containing the views of the Local Governments on the recommendations of the Commission. In paragraph 2 of that letter the Local Government stated that they considered it of paramount importance for the success of the new constitution that Bengal should start with fresh and increased resources. The views of the Local Government on this point, Sir, have not undergone any change. They are still of opinion that the success of the new constitution in Bengal must largely depend upon the capacity of the new responsible Government to develop the beneficial and nation-building departments. If the financial arrangements under the new reforms only result in stagnation and provide no margin for development beyond the present inadequate standards, they fear that the success of the new constitution will be imperilled at the outset.

I will now pass on to indicate, as shortly and as concisely as I can, the main points which the Local Government have urged in making their observations on the Report of the Federal Finance Committee. We have once again drawn attention to the persistent and unanimous demand of Bengal for the revision of the Meston Settlement and have emphasised that the problem cannot be approached from the narrow angle of the distribution of a possible general surplus among the provinces in relation to their present financial position and the probabilities of the immediate future but that it must be approached, so far as Bengal at any rate is concerned, from the much wider angle of the paramount importance of ensuring to Bengal not merely a balanced budget but a practical working margin which will enable the new Government to develop the beneficial and nation-building departments.

The committee while appreciating the difficulties through which Bengal is passing could not believe that the Legislative Council and the Local Government had no means at their disposal, whether of economy or of increased taxation, to reduce a deficit of the magnitude of Rs. 2,40 lakhs and in the hope that measures would be devised to meet the situation felt justified in reducing the anticipated deficit by Rs. 40 lakhs to Rs. 2 crores. As regards increased taxation, the committee themselves were not hopeful. They surveyed the possible sources of new taxation and the conclusion they came to was that such provincial taxes as appear to be within the sphere of practical politics in the

immediate future cannot be relied upon to yield any substantial early additions to provincial revenues. In regard to economy, Sir, it would have been of assistance to the Local Government if the committee had afforded at least some indication of the directions in which they considered this possible. We have never had the money to indulge in extravagance; our condition under the Meston Settlement has been one of chronic poverty, and in these circumstances the scope for economy is distinctly narrow. We have examined the matter very carefully and the conclusion we have arrived at is that our forecast of normal expenditure, that is, the expenditure under more or less normal conditions, is reasonable and that the deficit on the introduction of the new reforms is not likely to be less than Rs. 2,30 lakhs.

The export duty on jute is a source of revenue to which the Government of Bengal have on more than one occasion laid claim and public opinion in Bengal has often declared itself as opposed to this important source of revenue which is derived almost wholly from this province being appropriated by the Central Government. The committee referred to this claim only to dismiss it on the ground that it raises highly controversial questions of principle and will delay *pro tanto* the remission of the provincial contributions. That is a proposition we have been unable to accept. We have endeavoured to show that in principle this duty should be classed as a provincial source of income and have urged that if this principle is established, the fact that the remission of the contributions will be delayed *pro tanto* by the concession of this claim cannot be held a reasonable ground for refusing it. At the same time, Sir, it is impossible to disregard the present financial position at the centre and the attitude we have adopted is that provided the principle is accepted, it may be reasonable for the Local Government to forego for a time a certain proportion of the proceeds of the duty on the understanding that the proportion surrendered should be a steadily diminishing figure.

If I might digress for a moment or two, I would like to remind the Council of the vital necessity, from the point of view of the provinces as well as of the centre, for financial stability at the centre. It is essential that the Federal Government should have at its disposal sources of revenue, both sufficient and sufficiently elastic, to maintain the credit of India, and through India, that of the provinces in an unassailable position. It is, Sir, because we recognise the paramount necessity of financial stability at the centre that we have recognised that for a time at least a contribution from the proceeds of the jute export duty may be required.

The Sub-Committee of the Federal Structure Committee presided over by Lord Peel suggested that the basis of calculating the contributions to be made by the provinces to the centre out of the proceeds of the taxes on income need not necessarily be the same as that on which

the income-tax proceeds are distributed, and that differentiation between the two methods might be used as a means of partially adjusting the burden on provinces which are specially hard hit by the existing distribution of resources. The Federal Finance Committee unfortunately were driven to adopt the expedient of the Meston Committee, that is to say, to assess the contributions in proportion to the provinces' share of income-tax. We have urged that the committee's proposal perpetuates and even aggravates the injustice of the Meston Settlement and results in the anomaly that the province which admittedly has the largest deficit is expected to make the heaviest contribution. The evolution of an equitable allocation is a difficult problem, but we have suggested that such a distribution can only be secured if the total and not merely the additional resources of the various provinces are taken into account.

Reference has been made during the course of the debate to the distribution of the proceeds of income-tax among the provinces. The committee have proposed that the income-tax receipts should be distributed on the basis of residence. In view of the great difficulties inherent in the more logical basis of origin, we have taken the view that the committee's proposal should be accepted. There are, however, two points on which we are not in agreement with the committee. The first is the proposal that the tax paid on the salaries of federal officers should be "federal" and the second is that the proceeds of the taxes on income other than personal income should be distributed on a population basis. As regards the first, we have urged that there is no reason; if residence is adopted as the basis of distribution, why the tax paid on the salaries of Government servants should be treated differently from that paid by other salaried residents in the provinces? In regard to the second, we have maintained that the distribution of the taxes on income other than personal income on a population basis rests on no equitable basis, for its adoption will clearly be to the disadvantage of the industrial provinces. There is no reason to believe that the amount of this portion of the taxes on income attributable to an industrial province is the same as that attributable to an agricultural province with the same population. We have suggested that this portion should be distributed in exactly the same manner as the proceeds on personal income, since it is more reasonable to suppose that the provinces with the larger share in the proceeds which can be directly allocated are responsible for a similar share of that which cannot.

5-15 p.m.

We have also drawn attention to the burden placed on the provinces by the deficits in the North-West Frontier Province, the Chief Commissioners' Provinces and the centrally administered areas, by the settlement with the States and by the separation of Sind. We are

naturally particularly concerned with the proposal that the expense attaching to the separation of Sind should be met by reducing the proceeds of income-tax available for distribution to the provinces. Sir, it is difficult to believe that the separation of Sind is of greater political importance than the maintenance of this presidency in a solvent condition and the proposal that the separation should be financed by a method which aggravates the situation in Bengal is one that we find it impossible to accept.

Finally, we have suggested that the new Government should not be saddled with the current overdrawals and have sought to justify this special treatment on grounds of political expediency as well as justice.

These, Sir, are the main though not all the points in our argument and I believe I shall be gauging the position with accuracy when I say that on the essential points non-official opinion, as disclosed during the debate, is in close accord with the views of Government. History is repeating itself; non-official and official opinion in Bengal in regard to the Meston Settlement was in agreement and I feel sure that this will be the case in regard to the report of the Federal Finance Committee. The general purport of the resolution is that the Council is not satisfied with the scheme drawn up by the Federal Finance Committee. That is also the opinion of the Government. If the resolution is carried, we will at once communicate to the Government of India the purport of to-day's discussion and, as I have already said, we welcome the fact that the views of the non-official members of the Council are on essential points so closely in accord with the views which the Local Government have already expressed.

Mr. J. N. GUPTA: I rise to give my whole-hearted support to the motion of my friend Rai Bahadur Keshab Chandra Banerji which has obviously the support of every side of the House including the Finance Member. The Local Government, it appears, have already communicated their decision on the committee's report to the Government of India, the purport of which has been given to the House by the Hon'ble the Finance Member. I shall not take up the time of the House by going into details. It is an intricate matter, a matter which will take much time if I were to discuss details, but with your permission, Sir, I will just touch on the salient features of the financial position of Bengal. Bengal is a province which, we all know, has still a larger population than any other province in India. Our population is over 50 millions. There is no other province in India with such a large population. Another indisputable fact is that the revenue that the Central Government collect in this province is larger

than the revenue collected in any other province in India. I will not recall past history but refer only to the fact that from the beginning of British domination in India with the resources of this province the British Empire in India has been practically established. I will satisfy myself by mentioning that the Simon Commission have found that even now from this province is being collected much more than from any other province in India. According to Sir Walter Layton in 1928-29 Rs. 16,59 lakhs were collected from this province whereas from Madras Rs. 7,14 lakhs, Bombay Rs. 5,84 lakhs, United Provinces Rs. 7,17 lakhs and all the other provinces much less. But the indebtedness of the rest of India to Bengal is so well-known that it requires no detailed statement. But the pith of our grievance is not so much that the bulk of the money that is collected in this province is being taken away by the Government of India, but that we are being left with so little, our income per head of population being only Rs. 2-3 whereas Bombay has an income per head of nearly Rs. 8, and the other provinces such as Madras and Punjab more than double of Bengal. The result is we have been able to spend far less on the departments known as the nation-building departments than the other provinces. During the Reform period Rs. 5 crores on an average have been spent in the Punjab and in Bombay on such departments as Agriculture, Sanitation and Industry, whereas we have not been able to spend more than Rs. 2 crores. The effect of such unequal spending power has necessarily been to retard our progress in all these departments. I will not go into details as Mr. Basu and Khan Bahadur Azizul Haque have already referred to the lamentable condition in which the Meston award has placed us. The Agricultural Commission, for instance, found that in the most important department for the uplift of the people, namely Agriculture, the output of Bengal has been far behind than that of the other provinces. Similarly the Education Commissioner of the Government of India found that the inability of Bengal to spend as much as other provinces, Bombay for instance, on primary education could not fail to have far-reaching effect on the intellectual and political life of the province. I will not labour the point further.

The Federal Finance Committee's recommendations, however, refer not to the past but to the future and my friend Mr. J. N. Basu has rightly pointed out that there is a fundamental difference between our constitutional position in the past and what it is going to be in the future. The unitary system of Government is going to be transformed into a federal system very soon. Therefore, this is the proper time for us to take stock of the financial resources with which our province will be left under the new scheme. To our great disappointment we find that under the committee's recommendations there will be no improvement in our financial position and we shall continue to be as poor and starved as we have been under the unitary Government.

The two objects which the motion has in view are to get for this province a full share of the income-tax realised from this province and also the entire amount of the export duty on jute.

As regards the share of the income-tax, the Hon'ble the Finance Member has already very carefully gone into the detailed grounds which entitle us to claim much more than the Percy Committee propose to give us. For instance, they want to give us 1/7 per head of the population while we are entitled to 2/7, but it is not only on this ground that we complain. We claim that the Percy Committee had no business to confine their attention to our proposed share of income-tax, and take it as the sole standard for assessing our contribution to the Central Government. We claim that all other relevant factors should have been taken into consideration. If this had been done, Bengal's contribution would come to much less than the sum assessed. I will not go into details, but I will only say that although Bengal is recommended to get a remission in her contribution by Rs. 50 lakhs, this will certainly not be at the expense of other provinces, as remarked by the committee. We repudiate this observation of the Percy Committee. We do not want any favour; we simply ask that justice should be done to us. We maintain that even in the allocation of our share of the income-tax, we are entitled to a much larger share of it than the committee propose to give us.

Then as regards the jute tax, we all know that it is our monopoly and no other province has any claim on it. Therefore, I say our claim to it is fully justified. As has already been pointed out, an export duty is no part of the financial scheme of any federal Government. The people of Bengal produce the article and the Bengal Government spends all the money that is necessary to help the industry. Bengal cannot, therefore, agree under a federal Government to part with this revenue for the benefit of the other States and the Central Government. Diarchy failed miserably in Bengal because of the gross financial injustice done to her. Equally disastrous will be the failure of the proposed federal scheme if financial justice is not now done to Bengal.

Mr. A. F. RAHMAN: Mr. President, Sir, I would not at this stage like to tax the patience of this House by recapitulating the cogent arguments that have been advanced for a motion that commands our unanimous support. I would just emphasise one aspect of the question. We are on the brink of momentous changes in the constitution of this province and a Government of the people must justify its existence by undertaking great schemes for the good of the people. Not all the good will in the world can do this, unless funds are forthcoming. We have

consistently abused the Meston Settlement for ten years—but we are to-day practically bankrupt and from all indications it appears that we are going to be so in the future. Much of the unpopularity of diarchy has been due to this handicap of funds. The future Government of this province that begins with bitterness (due to a deficit budget) will end by being a dismal failure and the whole movement for self-government will defeat itself. We hear so much about retrenchment, but even the most drastic pruning will not release sufficient funds for the inauguration of schemes of public utility. It may just balance the budget, but that is not enough. Bengal's problem is not retrenchment but the finding of additional sources of revenue. It will be readily admitted by every one in this House that the chances of additional revenue by further taxation are very remote and liable to give rise to bitter controversies. It is for these reasons that we have claimed and do claim to-day that money that is earned in Bengal or earned on account of the natural advantages of Bengal should primarily be at the service of Bengal.

I do not suppose this claim can be seriously disputed. If the export duty on jute and income-tax collected in Bengal is handed over to the provincial Government, it will bring some relief and we recommend, I am sure without a single dissentient, that in the future scheme of things this should be done. I have very carefully read the report of the Federal Finance Committee and it seemed that the magnitude of the task paralysed their intellect. They are lost in a maze of arithmetic and are unable to suggest a solution. So far as we are concerned, the resolution that has been moved to-day is the only practical solution. There is no reason why the demands of the Federal Government should be made an excuse for keeping Bengal perpetually on the verge of bankruptcy.

5-30 p.m.

Dr. NARESH CHANDRA SEN GUPTA: Sir, at this stage I do not propose to add much to the discussion except to give my full support on behalf of this group to the proposal placed before the House. Sir, if I may say so, the authorities—the Government of India and the Federal Finance Committee—seem to be willing to run a horse at the race, but they begin by breaking its knee. They would raise a federal structure but then undermine its foundations. Sir, I believe that it would be accepted by everybody that the structure of the federal constitution should have a solid financial foundation. It is absolutely clear that the administration of Bengal would not be possible if the Federal Finance Committee's recommendations were given effect to. Sir, if I may say so, the Federal Finance Committee proceeds upon fundamentally wrong assumptions in the allocation of the finance inasmuch as it leaves the provinces by their own admission with only inelastic

sources of revenue while giving to the Government of India all the elastic sources of revenue. Expansion and development will be most needed in the provinces and not in the centre, and on principle the elastic sources of revenue should go to the provinces and the less elastic to the Government of India.

The motion of Rai Keshab Chandra Banerji Bahadur was then put and agreed to.

GOVERNMENT BILL.

The Bengal Municipal Bill, 1932.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to present the report of the Select Committee on the Bengal Municipal Bill, 1932.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg also to move that the said Bill be taken into consideration.

Sir, the Select Committee on the Bengal Municipal Bill met at Darjeeling in May last and worked at high pressure sitting several hours daily to make the Bill ready for consideration by this House in the monsoon session. The Hon'ble Members thereby fully justified the sitting in the cool atmosphere of the Himalayan height. I cannot miss this opportunity to acknowledge publicly the help and co-operation which Government received from the members of the Select Committee, belonging to all sections of the House, in modifying and improving the Bill.

It is not necessary for me to enumerate in detail the numerous changes which have been recommended by the Select Committee; they are clearly set forth in the report. I propose only to explain the principle which guided the Select Committee, and the general effect of the important changes proposed on the measure. I may mention that Government have decided to accept most of them though not all. My note of dissent and amendments are limited to those provisions only which, in the opinion of Government, are essential to secure smooth working of the municipalities, and are necessary for purity of civic administration.

The Select Committee followed the principle of removing the internal control of Government through Divisional Commissioner over the affairs of the municipalities and to limit it to mere external control of the Local Government, where absolutely necessary, to secure a common standard of civic administration, and to protect it from

being dominated by party factions, or cliques, or vagaries of influential individuals. A spirit of non-interference with the internal management inspired most of the changes proposed by the Select Committee. Even in matters like election of chairman, removal of chairman, and removal of commissioners for disgraceful conduct, the decision of the commissioners has been rendered final and free from Government control. In matters of appointment of Executive Officer, Secretary, Health Officer, and other technical advisers made at the instance of Government, the commissioners have been given an important voice and Government's power of requisition for these appointments has been limited by a provision for previous consultation with the municipality.

Another important principle which has been followed by the Select Committee is to bring the municipalities directly in contact with the Ministry of Local Self-Government and not through local officers like the District Magistrate and Divisional Commissioner. Government have accepted these recommendations in most cases except where they considered the help of local officers as agents of the Ministry of Local Self-Government absolutely necessary and not in any way inconsistent with the internal autonomy of these local bodies.

The most important change which the Select Committee has recommended is enfranchising the womenhood of Bengal. Men and women have been placed on the same footing; the widest franchise that has ever been experimented in this country has been recommended, making every ratepayer and licensee a voter, giving women the same right to stand for election as commissioners as men, and lowering the educational qualification for a vote from Intermediate to Matriculation standard. Thus the municipalities will be very broad-based on a wide franchise. For the sake of comparison with the existing arrangement, I may mention that though there are 337,380 ratepayers in the municipalities to-day only 96,353 are voters or only about 28 per cent. is enfranchised; whereas this Bill, if passed into Act, will enfranchise not only all the present ratepayers but will bring in a large body of licensees, women and educated men whose number is difficult to determine at present. This franchise is a distinct gain to the people of Bengal if nothing else in this Bill.

As I have said that some power of general supervision and control has been reserved in the Local Government, or in the Ministry of Local Self-Government; there as also in recommending an extended franchise the Select Committee tried to anticipate the impending constitutional changes. These recommendations will fit in admirably with the new order of things. As regards franchise, this Bill goes far beyond the recommendations of the Indian Franchise Committee, except with regard to educational qualification and as adult franchise has not been considered to be a practical proposition as yet one can go no further than this Bill.

The Select Committee has recommended three methods of checking default by the commissioners, *viz.*, dissolution, temporary taking over the management of a department in respect to which there is default and the ultimate remedy of supersession. The other two remedies must be exhausted before the most drastic remedy should be resorted to. This is a distinct improvement, tending towards relaxation of control, and quite in keeping with the spirit of Local Self-Government. This power is to be exercised by a Minister responsible to the legislature and, therefore, ultimately to the people. Thus this provision will be quite in harmony with fresh constitutional changes. The Select Committee tried to visualise the impending constitutional reforms, and have recommended changes which will be in consonance with the new political orientation. The committee was always conscious of the fact that it was legislating not for one year, two years or five years, but at least for half a century; with slight modifications here and there the machinery of municipal administration which this Bill provides will function well under an autonomous Government, and will be acceptable to a people drunk deep in the spirit of self-government.

I confess that clause 17A of the Bill made me very nervous. The difficulties of solving the problem of minority representation have proved almost insuperable in wider sphere of politics. I appealed to the Hindu and Muhammadan members of this House to help me in arriving at a satisfactory solution. I am glad to say that I have received a good response and I hope to move an amendment on the basis of our agreed decision which, I am sure, will be acceptable to all sections of the House, namely, joint electorate with reservation of seats.

Sir, I claim no perfection for this measure, because nobody can for a Bill of 547 clauses, so complicated as this. But I may say that the Department of Local Self-Government, the members of the Advisory Committee who helped its recasting in 1931, the members of the Select Committee, and myself did our best to make it acceptable to the House and to the public of Bengal, and we have devoted ourselves to it during the last one year for the purpose. If there are still imperfections, they can be easily rectified on the floor of this House.

This Bill was introduced, as is well known, for the first time by the late Sir Surendra Nath Banerjea on the 16th August, 1923. The Bill was circulated for eliciting public opinion and was published in the *Calcutta Gazette*. Then the Council having been dissolved, legislation could not be proceeded with. The late Maharaja Bahadur of Nadia, who was then Member in charge of Local Self-Government Department in the absence of a Minister, tried to introduce the Bill for the second time in 1925. Leave having been refused to its introduction, it fell through. On my appointment as Minister, I took up the matter seriously and I at once appointed an Advisory Committee consisting of Chairmen, *ex*-Chairmen and Vice-Chairmen, who had

administrative experience of local bodies, to represent matters in the light of experience gained since 1923. I sought the opinion of chairmen of municipalities and I received the opinions of 92 chairmen out of 117. The members of the Advisory Committee carefully analysed these opinions and they were incorporated as far as possible in the Bill. Then this Bill was introduced in this House in April last and was again published in the *Calcutta Gazette*, so the public of Bengal had ample opportunity to consider this legislation, because it had been before them for the last ten years.

In conclusion, I may repeat what I have said before that this Bill, if passed into law, will introduce important and salutary changes in the municipal administration of this province, will democratise the constitution and will be the first experiment in an extended franchise. It will place powers of additional taxation in the hands of the representatives of the ratepayers to enable them to undertake all schemes of town improvement and schemes conducive to the health and happiness of the people. I invite the co-operation of the hon'ble members of this House belonging to all sections and communities in placing this measure on the Statute Book.

5-45 p.m.

Mr. PRESIDENT: We have to consider six amendments for recommitment of the Bill under review. I find that of the first three amendments only No. 1 need be taken up, as, unlike the others, it mentions a date by which the report of the Select Committee has got to be submitted. If that is carried, Nos. 4, 5 and 6 need not be moved as by accepting it the House will have agreed to recommit the Bill to the original Select Committee, without any direction in regard to any particular detail of the Bill. Whereas, if that is thrown out, I shall have to take up amendment No. 4, which proposes to alter the constitution of the committee, or in other words proposes to recommit the whole Bill to a new Select Committee. If that is turned down, the next two motions shall have to be dealt with as these want the old committee to go over certain specific portions of the Bill once again. I call upon Babu Satyendra Nath Roy to move amendment No. 1 which stands against his name.

Babu SATYENDRA NATH ROY: I think at this stage I ought not to make a general criticism of the Bill and of the speech just made by the Hon'ble Minister regarding the many improvements which, he claims, have been made on the original Bill, but I think there are many both inside and outside this Council who are of opinion that the Bill ought to be further circulated, but as there is no provision for it under the present Rules and Standing Orders and under rule 58, sub-clause, we can only move for a recommittal of the Bill to the Select Committee.

I beg to move accordingly that the Bill be recommitted to the Select Committee which considered the Bill for further consideration with instruction to submit their report by the 31st December, 1932, and the number of members whose presence shall be necessary to constitute a quorum shall be five.

It has been made a legitimate grievance in responsible quarters that the Bengal Municipal Bill is being rushed through by the Hon'ble the Minister for Local Self-Government and it is intended to place the new Act on the Statute Book written four months from the date of its introduction without considering the opinions at least of those who are at the helm of municipal administration and who carry on municipal administration and have practical experience of the defects of the present Act and are in a position to offer valuable suggestions. The Hon'ble Minister has just said that many opinions were received, but we members have not as yet received copies of those opinions, nor do we know when those opinions were received whether they were received before or after the Select Committee met. Some individual persons or municipalities were asked to forward opinions, but they were not provided with a copy of the Bill and were referred to the publication in the Gazette. The Hon'ble Minister might have followed the procedure which another Minister did with regard to the Local Self-Government Bill, *viz.*, by calling a conference of some representatives of municipalities on that Bill. The Select Committee on the Local Self-Government Bill sat towards the end of February and beginning of March and the report was ready by the 7th April. Why is not that Bill being brought first for consideration when the report of the Select Committee was ready so long ago? But why is the Bengal Municipal Bill the Select Committee on which sat for only nine days and finished its labours only in May given precedence? To substantiate my case, I would put before the members of Council some important dates in connection with the different stages through which this heavy Bill passed. The Bill was first published in the Gazette only on the 18th of March last and introduced in the Council on 1st April, and immediately referred to a Select Committee. After the prorogation of the Council in April everybody was expecting a dissolution as ordinarily the life of the Council was up to the first week of July last, but the general public and some members of Council were surprised when it was known that a rather hasty meeting of the Select Committee was summoned to the cool heights of Darjeeling. Various comments were made, but I need not mention those comments in connection with this motion. The Select Committee held only nine sittings. Reports of the Select Committee were published unofficially in the newspapers and contradicted by Government on some points.

The report of the Select Committee was placed in the hands of the members about the 30th June last and then the announcement regarding the prolongation of the life of the Council followed. Members

were asked to send in amendments by the 22nd on such a voluminous Bill. I may mention here that the Legislative Department has characterised the Bill as voluminous. I applied to you, Sir, for an extension of time at least up to the 31st July to send in amendments. I also mentioned this fact to the Hon'ble Minister when I was present as a member of the deputation of the All-Bengal Municipal Conference. Time was at first granted till the 27th and on that date a further intimation was received that the extension was granted till the 30th. Sir, we are on the eve of momentous changes in the constitution and administration of our country and is this the time for a thorough revision of an Act which concerns the civic amenities and control of administration in 117 municipalities in Bengal, some of which are district towns, some subdivisional towns, a large number of riparian municipalities and some important and growing suburban places and inhabited by about 2½ millions of people? It has been said that power is being reserved to the Government when we are going to have provincial autonomy and local self-government would be under a popular Minister. What is the apprehension as even an abuse of power and interference on the part of a popular Minister could be put a stop to by removing a Minister? I say why put the cart before the horse. Let us have provincial autonomy first and let the Municipal Act be amended afterwards.

It has been said: "There should be as far as possible complete popular control in local bodies and the largest possible independence for them of outside control." This was mentioned in a despatch more than a decade ago in the Montagu-Chelmsford Report, and if this principle would hold good, then how much more would it hold good now?

The present Bill does not promise any such autonomy and freedom to the municipalities. I am tempted to characterise this Bill as a reactionary measure having regard to some of the provisions. It has not improved so much as the last Madras Municipal Act.

We have not as yet received all the amendments to the Bill, only a few out of the 2,000 which, it is reported, have been sent in. The fact that as many as 2,000 amendments have been sent is a sufficient justification for sending the Bill back to the Select Committee. If we could wait for nearly half a century, surely we can wait a few months more. This recommitting the Bill back to the Select Committee is not an unprecedented one and would not bring about a deadlock in the administration of any municipality or increase the number of civic terrorists, if any.

I may mention here that our Hon'ble Minister in charge of this Bill is one of those who protested against the passing of the Primary Education Act and I would ask him to look at this amendment of mine in the same spirit which actuated him when he was in opposition to the passing of the Primary Education Act.

I must take this opportunity of reminding some of my friends who were in the Select Committee and who are eminent lawyers that in the law courts there is a procedure which is known as a review of judgment and it would not be in any way antagonistic to their position as members of the Select Committee to reconsider the 2,000 amendments which have been sent in and submit an amended report. It is quite possible that the labour of the Council would be much shortened if this Bill is again reconsidered by the Select Committee, consideration being given to the amendments and public opinion.

Sir, there is another point regarding the advantage of remitting the Bill to the Select Committee. I would like to mention that there was very little expression of public opinion on the Bill before the publication of the Select Committee's report. We do not know what public opinion, if any, was invited by the Hon'ble Minister. I have already told you that members of the Council have not received any. After the publication of the Select Committee's report some opinions have been expressed both by the press and by persons connected with municipal affairs. The Select Committee had not the advantage of these opinions. The committee might have anticipated some of the recommendations expressed in those opinions and might have incorporated in their recommendations, but I can say that the Bill is still capable of many improvements and many important items escaped the notice of the members of the Select Committee. I would now make mention of a few instances of these. The Hon'ble Minister when introducing the Bill made mention of several improvements and I will ask the Council to consider if those expectations have been fulfilled. From the two-thirds elected commissioners provided for in the Act of 1884 we have an increase of only one elected commissioner, *i.e.*, by 1/12! Is this not the time, again, Sir, when the system of nomination should be done away with? For what is nomination, after all? It is merely the subdivisional officer's nomination. Can you expect that the Hon'ble Minister in charge of 117 municipalities in Bengal should know anything about the personnel or the various interests of these bodies? After 48 years, Sir, Government have increased the proportion of elected commissioners by only one seat and no more; and the control of municipalities is still under the District Magistrate and not directly under the Minister of Local Self-Government. I am glad to know that some compromise has been arrived at regarding clause 17A of the Bill, and it is really a boon if that is so.

Sir, there is another matter which I should like to mention on the subject of nomination. Government's nominations on the boards are made on the recommendations of the subdivisional officer and the District Magistrate. There is a clause detailing the reasons for which an elected commissioner might be removed, but a nominated commissioner can be removed without any reason being assigned therefor. What does this indicate? This shows that the subdivisional officer's

confidential report—the subdivisional officer is practically the author of the nomination—hangs like the Damocles' sword over the head of a nominated commissioner, and I think this should be done away with.

So, Sir, there are various defects in the Bill which have escaped the notice of the Select Committee. I accordingly think that instead of wasting time over so many amendments that have been received, this Bill should be recommitted so that when it comes out, the work in Council may be finished in a week's time.

6 p.m.

Mr. W. C. WORDSWORTH: Sir, I wish to oppose this amendment. I was a humble member of the Select Committee on this Bill—I say "a humble member" advisedly, because I probably knew far less about municipal affairs than any one else there. I am much less humble now, because I was put through a drastic course of instruction in municipal administration by Mr. J. L. Bannerjee, Mr. N. K. Basu, Khan Bahadur M. A. Momin and others. But even so, I am probably by far the least informed of those who worked in that committee. But I can say that we worked hard and fought hard and did our best to perform the task delegated to us by this House, and the result is that the Bill, as you now have it, is very much changed from the measure that was put in our hands. If you are to recommit it to the Select Committee, what do you expect? Here and there what was passed by the Select Committee may be reversed, here a "not" may be left out, there a "not" be put in. But that can be done in this House. The Select Committee is not the final word. The Select Committee has prepared the material for you, and you ask it to go over the same ground and do the same work again. I do not suppose that what will come out as the result of a second examination will be very different from what you have now before you. This House is the authority to give this prepared material its final form.

We are told that the country and the House have not had time to study the Bill. The question of improving municipal administration in Bengal has been under consideration for the best part of 30 years. This measure has been before the public for about seven years. Committees have sat on it, and it has been once put before this House, some years ago: it was put before the House in April last, and we have so many amendments that at this late date they have not yet been printed,—anyhow they have not reached our hands. We have been told this afternoon, and rumour has told us at other times, that the amendments number well over 2,000, and we are asked to accept the tabling of these 2,000 amendments as a proof that the country and the House have not been able to study the Bill. It seems to me evidence that the country and the House are quite ready to deal with the Bill: and if after all this time it is pleaded that the work has not been done, I can only say

that this is what schoolboys often say at the end of a long vacation, that they have not had time to do the lessons set them before the vacation. There must be finality at some time, and certainly we have come to a time when there should be finality. None of us except those on the Government benches are in the confidence of Government in this matter, but I have understood that one reason why the life of this Council was extended was to enable it to deal with certain important pending legislation, and can we think of anything very much more important than this large Bill that we are now asked to deal with? Economy is a necessity of the times, and economy does not apply only to expenditure of money, but to expenditure of effort and time as well. Why should we at this stage of the Bill, what we may call the penultimate stage, send it back to the Select Committee for further expenditure on printing, paper and ink, and presumably of money for travelling expenses and hotel expenses? If the intention behind amendment No. 1 is that the Select Committee should go to Darjeeling again—I do not know whether the Select Committee in general wish any such thing, but I, for myself, say that I certainly do not wish it and hope to be spared the summons. I would ask the House to consider whether the amount of material that has been prepared by Government and the Select Committee and the amount of material that has been prepared in the way of amendments by the various members—it works out to about 15 amendments per member—is not sufficient proof that we are ready to go on and consider the Bill?

Dr. NARESH CHANDRA SEN GUPTA: Sir, I support this amendment. The very size of the Bill, the large number of sections and the tremendous amount of work involved in considering the large number of amendments proposed show that the matter requires further reconsideration. Mr. Wordsworth has, however, thought otherwise. He thinks that the large number of amendments shows that the country has had plenty of time to consider the measure and that we, the members of this House, are prepared with our amendments. That is not, however, the question at issue. The question at issue is how these amendments are to be considered. Are they to be considered in the House or in the Select Committee? Well, Sir, I submit that the amendments, at any rate some of them, throw a new light. They point to some omissions or defects in the Bill and the Select Committee would probably benefit by the suggestions contained in these amendments; and probably they might be able to give a shape to the Bill which would be more acceptable to the Council and would involve a smaller number of amendments and a less prolonged consideration of this House. That is a very good reason, I should say, for recommitting the Bill to the Select Committee. Besides that there are one or other points which the House should remember. The House will observe

that a consideration of a Bill by this House and a consideration in Select Committee are two entirely different matters. In this House we place before the House some set propositions in the form of amendments which you either accept or reject. Each member makes but one speech in support of the proposition and the Government replies. There is no discussion across the table as you have in Select Committee where you can make your proposals and counter-proposals and you can discuss, give and take counsel and arrive at a suitable compromise; that is the sort of work that is done in the Select Committee in regard to the proposals made in your amendments. There you have got to consider the proposals in that spirit and not tie down the mover to the very wording of his amendment and not say "Aye" or "No" but consider the substance of it and consider how far it is possible to accept it, how far it can be modified; and when you cannot accept it, it must not necessarily be rejected totally and you can partially accept it. That is the sort of discussion which we can have in the Select Committee and which you cannot have in this House.

Sir, the Hon'ble Minister has claimed that this Bill is a great advance upon the existing law with regard to municipalities. I agree with him that it is an advance upon the existing constitution; but at the same time you, Sir, will perhaps agree with me that there are one or two things which might be pointed out as a set-back. For instance, with regard to section 17, I do not know whether the Hon'ble Minister has had any conversations such as he has had with regard to 17A. Many of us have put in some amendments to this section; they may not be acceptable *in toto* but there may be an element of truth and commonsense in them which could be discussed and in the light of these discussions the section might be amended in such a way as to make it more acceptable to the whole House. Then, as regards section 17A, the Hon'ble Minister has discussed the matter, with some members. But section 17A is not the only section which requires similar consideration. It is unfortunate that a great deal of the attention of the House as well as of the Select Committee has been directed towards the constitutional portion of the Bill. There are other portions which are certainly as important as the constitutional portion. With regard to these matters the interests of the members of the Select Committee do not seem to have been adequately aroused and with regard to these sections there are many other things which have got to be considered and, if possible, a compromise ought to be arrived at. I refer especially to the powers of the Government. With regard to the powers which are given in Chapter 27, the present Bill is not very much in advance on the present law as it stands except in regard to a few alterations regarding procedure. Government retains practically all the powers they had and possibly they have taken more than they have had. The Hon'ble Minister has pointed out some of these powers and has claimed that the drastic powers which are given to the Government in section 538 would not be

exercised until all other means have been exhausted. I do not find anything like that in the section itself. If that is the object of the Government, then the section requires re-drafting and reconsideration. Then again, Sir, these powers themselves require reconsideration in the light of our changed ideas with regard to municipalities and the coming constitutional reforms. For instance, in some of these sections we find that it is the Local Government which decides whether a municipality has shown incompetence or has neglected its functions. Now, there is room for doubting whether the Local Government should have absolute powers, without any appeal and without any consideration of objections, to decide whether a municipality has actually neglected its functions or has shown incompetence. With regard to this section, there are numerous amendments which have been tabled. Perhaps, these amendments may not be acceptable to the Government, but, at the same time, there will be much in them which the Government will surely agree to put into an acceptable form and these are matters which cannot be settled here and even if they are settled here, the result would not be satisfactory and the Council might be passing provisions of law which do not represent the will of the House because it has to go upon nothing else except the section itself and the proposed amendment to the section.

6-15 p.m.

On the other hand, if there was a free discussion, section by section, in such a way as to arrive at a decision which will actually represent the wish of the House, I consider that that would have been the only way to deal adequately with the vast number of amendments which have been put in. I should assure Mr. Wordsworth that it is not a sort of reflection upon the Select Committee, it is not as much as saying that they did not do their work thoroughly.

Mr. W. C. WORDSWORTH: I did not suggest anything of that sort.

Dr. NARESH CHANDRA SEN GUPTA: I did not say that he did, but I understood from the tone of his speech that he felt sort of picqued at our asking the committee to reconsider the Bill. He seemed to say that we need not again ask them to reconsider the matter as the Select Committee had given its utmost consideration to it. I know the Select Committee has considered the Bill, but the Select Committee will reconsider the matter in the light of the new materials that will be before it. There is nothing new in this procedure. There is ample precedent for the resubmission of a Bill of this character to a Select Committee specially when the Select Committee has reported after only nine days' consideration on a Bill consisting of 542 sections. On the contrary, there is no precedent, I say, for a Bill of this magnitude being passed by this Council upon so little consideration.

Mr. ANANDA MOHAN PODDAR: Sir, the amendment of the Bengal Municipal Act was long overdue and I offer my hearty congratulations to the Hon'ble Minister for initiating this important Bill.

This is a momentous piece of document and, if passed into law, will introduce important and salutary changes in the municipal administration of the province.

Sir, those who are acquainted with the provisions of the existing municipal laws of Bengal will admit that it is an antediluvion and out-of-date legislation. This Act was enacted in the year 1884, and since then half a century has passed, but the Act has remained almost the same. The country has advanced a great deal in every sphere, but its laws of municipal administration have not been altered at all. In most of the provinces in India, such as Bombay, Madras, Bihar and Orissa, the Punjab and Assam, municipal laws have undergone considerable changes along with the advancement of the people, but Bengal remains where it was fifty years ago.

The late Sir Surendra Nath Banerjea of revered memory with the vision of a true patriot and statesman did understand the drawback and the inconsistencies of the present municipal laws of Bengal and reformed the Calcutta Municipal Act and brought it to a level consistent with the aims and aspirations of the nation. But though the Calcutta municipal law has been amended and recast, the *mufassal* municipalities are smarting under various disadvantages of the existing out-of-date legislation.

Sir, the Hon'ble Minister deserves our whole-hearted congratulations for his foresight and courage in introducing this all important Bill. Even a casual reader will admit that it is a distinct improvement on the existing law of the land. The sponsor of the Bill has tried to bring it to an equal level with the Calcutta Municipal Act and other up-to-date municipal legislations of India and Europe. Of course there still exist some objectionable features in the Bill and certain omissions with which the Bill will be imperfect. But the enthusiasm shown by the members in sending a very large number of amendments is a clear indication of the fact that it will be subjected to a very minute scrutiny and careful examination by the House.

Sir, the Bill was referred to a Select Committee consisting of persons who have considerable practical experience in the working of the municipalities of Bengal. They have effected many improvements on popular lines after threshing out all the provisions, clause by clause. So I do not see that any useful purpose will be served by referring it back to the Select Committee.

With these words, I oppose the motion for its recommittal to the Select Committee.

Khan Bahadur Maulvi AZIZUL HAQUE: I am sorry my friend has brought this motion for recommitting this Bill to a Select Committee for reconsideration of the Bill. I am afraid memories, specially in politics, are rather short, and people are at times apt to forget how things are delayed until it is impossible to evolve order out of chaotic conditions. Will it be of any use to say those who are suggesting a reference again to a Select Committee that it was not to-day or a year back that this Bill was first introduced? I think, if I am not mistaken, that it was about 1923 or 1924 that this Bill was first introduced in this Council. (A VOICE: Thrown out by the *swarajists*.) Whether it was by the *swarajists* or non-*swarajists* the Bill was thrown out more or less on the ostensible ground that there was something in this Bill which was very objectionable. It was objected to by certain members very strongly. Sir, since 1923, nothing has yet been done to give a shape to the municipal activities of Bengal and to-day the municipalities of Bengal are suffering from the disabilities, limitation and difficulties of an Act which was conceived at a time when modern municipal amenities were unknown, and yet after ten years' reforms and with another instalment of reforms coming, we are sitting still with our hands folded and watching. Thereafter our domestic and other difficulties will so increase that it will take another five or ten years to pass this. Sir, this Bill was introduced about a year and a half ago, and it was discussed threadbare by a special committee constituted by the Local Self-Government Department consisting of the members of this House. That report, though not published, to a very large extent was acted upon by the department, and thereafter ostensibly for the reason that this Bill is to be passed through as quickly as possible, a Select Committee was appointed and even at the risk of taking a large number of people to Darjeeling this committee sat there. My friend Dr. Sen Gupta has said that in nine days they considered this Bill. I am afraid he is not aware as to how many hours of each day that committee sat there and I am afraid Dr. Sen Gupta has not cared to inquire what amount of time they had to devote to the discussions during the official hours of business. I am not certainly convinced that this Bill is a model of perfection, but can Dr. Sen Gupta guarantee that if this Bill is again sent to a Select Committee, another 2,000 amendments will not come in? Sir, I have been a municipal commissioner of a *mufassal* municipality for the last 15 years and I may say from the experience of one who has acted in the best interests of the municipalities that this Act will be a decisive improvement on the present one. True it is that you have given a certain amount of power to the Government, but if you consider the amount of power exercised by Government to-day, in comparison to that, the power to be exercised by the Government of the future will be very small indeed. It is not realised that the Government of to-morrow will not be the Government of to-day, and it is also not realised what is likely to be the effect of

the popular feelings on the Government of the future. If Dr. Sen Gupta takes that fact into consideration, he will at once realise that in spite of certain powers being vested in the Government, I personally realise, that there will be no abuse of those powers so long as my friends Dr. Sen Gupta and others in the Legislative Council can make the life of the Minister more intolerable by interference. Sir, I shall not take much of the time of this House, but I do say this that on a most important question which is in the nature of a communal one, I hope, it will be by the good wishes of all that some sort of agreement will be arrived at. It may be that in spite of the agreement each will retain his point of view, but in the present circumstances, in the present situation and with the impending difficulties that are likely to come in the future, I still have trust that an agreement acceptable to all will be arrived at. Are you going to jeopardise that agreement in the contingent chance that later on we might be able to pass a better Bill? Where is that guarantee that that feeling will be retained for even one year? Therefore, I ask in the interests of the municipalities that this Bill should be passed into an Act. If there are difficulties, it is open to anybody in this House, it is open to the future Minister, to bring forward amendments, but I think if you want to bring about a new renovation in the municipal activities of Bengal, you cannot do better than to pass this Bill.

Dr. AMULYA RATAN GHOSE: I rise to say a few words in support of the amendment. Representing as I do the second biggest municipality of Bengal, I am expected by my constituency to voice the strong feelings they have against the ways and methods employed by the Government to force upon the municipalities of Bengal an Act which was not circulated for eliciting public opinion thereon. Sir, I regret very much that the Hon'ble Minister should have adopted a policy of hush hush, but I shall refer to the question later on.

Before I proceed, Sir, I shall first of all say that the members of the Select Committee took much hardship and trouble to go to Darjeeling at the expense of public money and considered a Bill which was not circulated for eliciting public opinion thereon. Government has rather forced a Bill to be passed which, it says, is for the good of the people. But the people of Bengal through their representatives of the 110 municipalities assembled in the Albert Hall conference have condemned it in no uncertain language. They have said in unambiguous terms that the Bill and the report of the Select Committee which came later were retrograde and quite unacceptable. There is a Bengali proverb মায়ের চেয়ে যে ভালবাসে ডাকে বলে ডাল (one who loves more than the mother is a witch). Sir, people connected with municipal affairs, the commissioners, chairmen, vice-chairmen, and others assembled together and said, "this is a retrograde Bill, we do not want it."

Those persons who said that this Bill is very good for you were under the influence of the cool atmosphere of Darjeeling. I may say that these big persons, however, did not have the courage to face those representatives at the Albert Hall meeting nor they have the courage to face the popular opinion anywhere in Bengal. Why did they organise meetings and reason with the people outside? They can only say under the protection of this Council that this is a very good Bill——

Mr. PRESIDENT: Dr. Ghose, what do you mean by protection of this House?

Dr. AMULYA RATAN GHOSE: By protection I mean that they have not to meet public criticism here. Sir, I regret very much that the Hon'ble Minister should have adopted a policy of hush hush in a matter so important and far-reaching in its character.

6-30 p.m.

The Bengal Municipal Act of 1884 is in action for a period extending nearer to half a century and after such a length of time it is found wanting in many aspects in view of the fact that Bengal has developed into a highly advanced province in politics, in education and in public health. It has now become extremely necessary to change the old Bengal Municipal Act but certainly not in a hole-and-corner fashion. The Bill with all its report of the Select Committee ought to have been placed before the public, before the very municipal bodies, who will have to work under it. But it is a matter of utter disappointment that that is not done by one who vaunts himself to be a popular Minister. It was absolutely forgotten that it was a Bill for the purpose of local self-government within the municipal areas in Bengal and it was not an Ordinance to deal with terrorists or criminals; of course, the hurry in which the Bill is going to be passed, makes one feel that it was an emergency measure as has been promulgated by the Government to tackle with the problems of anarchy and revolution. The way in which this Bill is attempted to be rushed through without giving the people the opportunity to examine it thoroughly cannot be said to be a Bill for the purpose of local self-government. It is a strong grievance with stronger grounds on which the representatives of 110 municipalities out of a total of 117 assembled themselves in the Albert Hall, Calcutta, on the 24th and 25th of June, 1932, to record their protest against the Bill. The well-being of over 2,014,203 souls, rich and poor, scattered over 117 municipalities in Bengal depended on this Bill. Smarting under a pain of injustice the Secretary of the All-Bengal Municipalities' Conference in his address said "the Government for

reasons known to themselves, made a departure in the case of the Municipal Bill for the procedure which it had followed in the case of the Bengal Local Self-Government Bill which still happens to be on the legislative anvil. The then Minister of the Local Self-Government Department, the Hon'ble Nawab K. G. M. Faroqui, called a conference of the representatives of the district boards of Bengal at Darjeeling a year and a half ago to advise him about amending the present Act, and the Government had subsequently introduced the said Bill on practically the same lines as suggested at the said conference." The Secretary of the conference perhaps forgot that the Hon'ble Nawab K. G. M. Faroqui is not a lieutenant and, therefore, not so adventurous as his Hindu colleague——

Mr. PRESIDENT: Order, order, I think it is wholly irrelevant and improper.

(Cries of "withdraw, withdraw.")

(The member thereupon withdrew his objectionable remarks and resumed his seat.)

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I shall deal with the observations of the movers and the supporters of this motion one by one. Mr. Satyendra Nath Roy said that he had not got the opinions of the municipalities. These opinions were not meant for the members of the Council at this stage. They were carefully considered in October, 1931, by the Advisory Committee who redrafted the Bill. The Advisory Committee consisted of members who had experience of municipal administration; it consisted of Chairmen, *ex*-Chairmen and Vice-Chairmen. It was suggested by Mr. Roy that I should have called a conference of the municipalities as was done in the case of the Local Self-Government Bill. I may remind the hon'ble members through you, Sir, that such a conference was called by the late Sir Surendra Nath Banerjea before the Bill was originally drafted. So exactly the same procedure was practically followed and with the help and advice of the people having administrative experience the present Bill was recast. Mr. Roy said that because dissolution was due the hon'ble members had no time to consider the recommendations of the Select Committee. It is no fault of Government. The report of the Select Committee was duly published in the *Calcutta Gazette;* the number of amendments that had been put in by the members themselves at the instance of some of the municipalities proved clearly that the municipalities had been fully represented through my hon'ble friends in this House. He has said that as we are on the eve of momentous constitutional changes, this Bill should not be taken up. As I have observed, the Select Committee was never forgetful of that fact and

one of the principles which guided the members of the Select Committee was that they tried to anticipate as much as possible the impending constitutional changes and the Bill was recast accordingly. The powers which are now enjoyed by Government through their local officers, viz., the District Magistrate and the Divisional Commissioner, are proposed to be transferred to the Ministry of Local Self-Government, so that the municipalities can be brought directly in contact with the ministry, responsible through the members of the legislature to the people.

Dr. Naresh Chandra Sen Gupta said that as there were 2,000 amendments, there was sufficient justification for recommitting the Bill to Select Committee. I will remind the hon'ble members that 2,000 amendments are not a new feature of Bills of this magnitude. When the Bengal Tenancy Bill was considered—a Bill of 196 clauses—there were about 1,800 amendments. There was a special committee in 1922; there was a Select Committee; there was circulation for opinion and still there were as many as 1,800 amendments. I may remind the members of this House, who were members of this Council when the Calcutta Municipal Bill was considered, that the number of amendments came up to nearly as many as 2,000. The Bill was before the public for nearly two years; it was thoroughly discussed by the Calcutta Corporation; the Select Committee sat over a month at Darjeeling; still that did not reduce the number of amendments. If this Bill is recommitted to Select Committee, there is no chance of the number of amendments being reduced; on the other hand, I am afraid that might add to their number.

Then Dr. Ghose has told you that the Minister has done this and the Minister has done that, that the Minister should have called for public opinion, that the Minister committed it to the Select Committee. I did it not. It was the House which did so and if there was any credit or blame, it must go to the House and my share will only be 1/140th. There was no hush hush policy, as has been said. The Bill was published three times in the *Calcutta Gazette* and the municipalities were consulted. Out of 117 municipalities, 92 sent in their opinions and these opinions were fully considered by the advisory committee. Then where is the hush hush policy? I entirely repudiate this charge, but as Dr. Ghose's observation stands self-condemned, I will not attempt to reply to it. They are beneath notice.

Mr. NARENDRA KUMAR BASU: I move that the question be now put.

The motion that the question be now put was then put and agreed to.

The motion of Babu Satyendra Nath Roy was then put and lost.

Mr. PRESIDENT: Before I call upon Dr. Amulya Ratan Ghose to move his motion, I might tell him that the House has already decided that the Bill should not be recommitted to the original Select Committee with instruction to go through the whole Bill again. Therefore, the only point which Dr. Ghose can make out is that the old committee should be replaced by a new committee; but his motion in that case will be nothing short of a censure motion. It is for him to consider whether he should or should not move it.

Dr. AMULYA RATAN GHOSE: Sir, I do not move my motion in that case.

The motion that the Bengal Municipal Bill, 1932, be taken into consideration was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m., on Thursday, the 11th August, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 11th August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURY, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 113 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Permit as to the purchase of rectified spirit.

***39. Rai Bahadur KESHAB CHANDRA BANERJI:** Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to lay on the table a copy of the old (special) permit as well as of the new (amended) permit, if any, regarding the purchase of rectified spirit for the manufacture of *bona fide* medicinal preparations?

MINISTER in charge of ACRICULTURE and INDUSTRIES (EXCISE) DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): Copies of the old and new (revised) special permits are laid on the Library table.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state what is the difference between the old and the new revised special permits?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It is a highly technical matter and if Rai Bahadur comes to me I can give him the information with the help of the Excise Commissioner.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state whether the local dealers are debarred from supplying these spirituous articles in the presidencies of Bombay, Madras and the Mysore State?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: As I have said, it is a highly technical matter and if the Rai Bahadur will come to me I shall take the help of the Excise Commissioner in explaining matters to him.

Mr. PRESIDENT: Is it not possible for you to explain the matters here?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, the permit is not here and it is a highly technical question that he has asked.

Executive officers.

***40. Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a comparative statement showing in the years (*1*) 1915-16 and (*2*) 1930-31, district by district, the number of—

(*1*) Additional Magistrates,

(*2*) Joint Magistrates,

(*3*) Assistant Magistrates,

(*4*) Deputy Magistrates, and

(*5*) Sub-Deputy Collectors

engaged in Bengal?

(*b*) Will the Hon'ble Member be pleased to state whether there has been any increase in the number of these officers during the last fifteen years?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state whether it is a fact that the works previously carried on by one officer are now being done by two or three of them?

(*d*) Will the Hon'ble Member be pleased to lay on the table a comparative statement showing, district by district, the nature of works entrusted to the executive officers in the years 1915-16 and 1930-31?

(e) Will the Hon'ble Member be pleased to state whether, in view of the financial stringency in the province, the Government are considering the desirability of reducing the number of officers engaged in the Bengal Civil Service (Executive), pending the recommendations of the Retrenchment Committee?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. R. N. Reid): (a) The member is referred to the Bengal Quarterly Civil Lists for the years in question. The compilation of the comparative statements required would entail a degree of labour which Government are not prepared to undertake.

(b) There has been no increase in the numbers of the classes of officers named in (1)-(4) of (a). The number of Sub-Deputy Collectors, however, has increased from 247 to 473.

(c) No.

(d) The information required is not available and could not be obtained without a laborious inquiry which Government are not prepared to undertake.

(e) No.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to answer to clause (b), will the Hon'ble Member be pleased to state whether the increase in the number of Sub-Deputy Collectors is due to the operations of the Bengal Village Self-Government Act or to some other reason?

The Hon'ble Mr. R. N. REID: Chiefly on account of the operations of the Bengal Village Self-Government Act.

Contribution to the local authorities from the proceeds of the tax levied under the Bengal Motor Vehicles Tax Act.

***41. Maharaja JAGADISH NATH RAY, of Dinajpur:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(i) when will the payment of contributions to the local authorities from the proceeds of the tax levied under the Bengal Motor Vehicles Tax Act, 1932, commence;

(ii) whether all the municipalities and district boards in the province will have an annual share of such payment;

(*iii*) whether any decision has been arrived at as to the proportion in which contributions will be made to the municipalities and district boards?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, what is the said proportion?

(*c*) If no decision has been arrived at, what is the rule that will govern the distribution of such contributions?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) (*i*) (*ii*) (*iii*) No decision has yet been reached on any of these points. These questions will be considered by the Provincial Road Board at their meeting to be held on 3rd September, 1932.

(*b*) This does not arise.

(*c*) No basis of distribution has yet been arrived at. Government hope to settle the basis soon in consultation with the Provincial Road Board.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether after the decision of the policy in consultation with the Provincial Road Board he proposes to consult district boards and municipalities?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I cannot answer off-hand but I shall take into consideration the suggestion made by Khan Bahadur.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state what has this question got to do with the meeting of the Provincial Road Board?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I would remind the member that when this Bill was passed the Council accepted the proposition that Government would consult the Provincial Road Board when distributing the proceeds of the tax.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Minister be pleased to state whether the question of policy as regards distribution of the motor vehicles tax will be decided in consultation with the Provincial Road Board, or only the question of allocation?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The Road Board will be consulted on matters of policy and allocation in their capacity as an advisory body.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state whether or not the local bodies will be consulted in regard to their respective requirements?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I have already answered that question.

Report of the Retrenchment Committee.

*42. **Maharaja JAGADISH NATH RAY, of Dinajpur:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether the Retrenchment Committee lately appointed by the Government has already commenced its work besides calling for and receiving statements or memoranda from private persons and public bodies?

(*b*) If the answer to (*a*) is in the affirmative, what progress has been made by this Committee up till now?

(*c*) When is this Committee likely to finish its labours and to submit its final report?

(*d*) Has any arrangement been made to get *ad interim* reports from the Committee?

(*e*) If so—

(*i*) when may the first report be expected; and

(*ii*) will the report be published for public opinion thereon or for assuring the public that some drastic retrenchment has been made in Government departments?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) Yes.

(*b*) The Committee is now engaged in taking oral evidence and in considering the information it has collected.

(*c*) The Committee hopes to submit its report in the course of September, 1932.

(*d*) No.

(*e*) (*i*) Does not arise.

(*ii*) The Committee's report will be published in due course.

Transportation of certain prisoners to the Andamans.

*43. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it has been finally decided to transport some of the persons convicted of terrorist crimes in Bengal to the Andamans?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the decision is due to the (*1*) Government of Bengal, (*2*) the Government of India, or (*3*) the Secretary of State for India?

(*c*) If it is not due to the Government of Bengal, will the Hon'ble Member be pleased to state whether this Government were consulted before the decision by the other authorities was arrived at?

(*d*) Will the Hon'ble Member be pleased to state the names of such prisoners with the terms of their sentences and the reasons which led to the decision in each case?

(*e*) When is the decision going to be carried out?

(*f*) Will the relatives of the prisoners get an opportunity of interviewing them before their transportation to the Andamans?

(*g*) Are the Government considering the desirability of reconsidering the cases of individual prisoners in the light of fresh facts and explanations?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) It has been decided to transfer certain convicts to the Andamans.

(*b*) and (*c*) It would be contrary to established practice to disclose information of this nature.

(*d*) and (*e*) The selection of all the prisoners who are to be transferred and the definite dates of transfers of those prisoners have not been finally settled and in any event it would not be in the public interest to give particulars in advance.

(*f*) This must depend upon circumstances.

(*g*) All relevant facts in the possession of Government will naturally be taken into consideration in determining what action is necessary in the public interest.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether it is proposed to transfer only the convicted terrorists to the Andamans or to include other classes of prisoners also?

The Hon'ble Sir PROVASH CHUNDER MITTER: In view of what I have said in answers to (*b*) and (*c*), I am afraid I cannot give further information.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Member aware that the Secretary of State while making this announcement in Parliament said that only the convicted terrorists will be sent to the Andamans?

The Hon'ble Sir PROVASH CHUNDER MITTER: I saw some such report in the newspapers.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be now prepared to give this information in view of the statement made by the Secretary of State?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have no official information about the statement made by the Secretary of State.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the selection of the prisoners is made by the Police Department or Jails Department?

The Hon'ble Sir PROVASH CHUNDER MITTER: In view of what I have said in (*b*) and (*c*), I am not prepared to say anything further.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if it is proposed to include any female convict amongst the prisoners to be sent to the Andamans?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not prepared to give any further information.

Babu JITENDRALAL BANNERJEE: As regards answer (*f*), may I inquire what are the circumstances contemplated by the Hon'ble Member?

The Hon'ble Sir PROVASH CHUNDER MITTER: It is an English word and it has the ordinary meaning which it conveys.

Babu JITENDRALAL BANNERJEE: That is not an answer to my question: it is a raillery. I do not know what is at the back of the mind of the Hon'ble Member. Has he a blank mind on the subject?

Mr. PRESIDENT: Is it not possible for you, Sir Provash, to indicate the real significance of the word "circumstances", I mean the sense in which you have used it?

The Hon'ble Sir PROVASH CHUNDER MITTER: The significance of the word is that each case will be dealt with on its merits.

Mr. SHANTI SHEKHARESWAR RAY: Is the Hon'ble Member aware that there is a great public feeling against sending *bhadralok* convicts to the Andamans?

The Hon'ble Sir PROVASH CHUNDER MITTER: I believe there is a feeling against it amongst a certain section.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state if the prisoners proposed to be transferred to the Andamans will get a chance of stating their case before their cases are finally decided?

The Hon'ble Sir PROVASH CHUNDER MITTER: It is always open to any prisoner to make any representation he likes.

Babu SATISH CHANDRA RAY CHOWDHURY: Will they be given timely information that it is proposed to transfer them to the Andamans?

The Hon'ble Sir PROVASH CHUNDER MITTER: In view of what I have said in (*b*) and (*c*) I cannot give any further information.

Dr. NARESH CHANDRA SEN GUPTA: Do I understand that this House will not be given any opportunity to discuss the policy in regard to the transfer of prisoners to the Andamans?

The Hon'ble Sir PROVASH CHUNDER MITTER: The question of transfer to the Andamans is a matter for the Government of India and this is not within the special purview of this House.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if any special arrangements have been made in connection with the sending of these convicts to the Andamans?

Mr. PRESIDENT: I do not understand your question. Will you please explain what you mean?

Mr. SHANTI SHEKHARESWAR RAY: I want to know whether any special arrangements have been made in the Andamans to accommodate them.

The Hon'ble Sir PROVASH CHUNDER MITTER: I suppose proper arrangements will be made before they are sent to the Andamans.

Memorial of the villagers of Sankerpur, police-station Narail, Jessore.

*44. **Mr. K. C. RAY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the villagers of Sankerpur, police-station Narail, in the district of Jessore, sent a memorial to His Excellency the Governor in Council and another to the Hon'ble Minister himself through the Subdivisional Officer, Narail, District Magistrate, Jessore, and the Commissioner, Presidency Division, on the 5th June, 1932, making some allegations against the Chandibarpur Union Board, Narail Local Board and Jessore District Board for indifference on their part in discharging their statutory duties?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken in the matter?

(*c*) If no action has been taken, what are the reasons?

(*d*) Are the Government considering the desirability of laying on the table a statement showing the contents of the said memorials?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) A copy of the memorial addressed to His Excellency has been received, but the original submitted through proper channel has not yet reached Government. No such memorial addressed to the Hon'ble Minister appears to have been received in the department.

(*b*) and (*c*) The local officers have been asked to expedite.

(*d*) A copy of the memorial is placed on the table.

Memorial referred to in the answer to clause (d) of starred question No. 44.

To His Excellency the Governor in Council, Bengal (through the Commissioner, Presidency Division, and the District Magistrate, Jessore, and the Subdivisional Officer, Narail.)

The humble memorial of the undersigned inhabitants of the village Sankerpur, police-station Narail, under the Union Board of Chandibarpur, district Jessore.

Most Respectfully Sheweth:—

1. That your humble memorialists beg to lay before Your Excellency the following grievances for kind consideration and favourable orders.

2. That the villagers pay their taxes and cesses regularly yet no action is generally taken by the Jessore District Board, Narail Local Board and Chandibarpur Union Board.

3. That the sanitary condition of the village is very bad, jungles are allowed to grow everywhere and the only river that your memorialists have by their village is not properly taken care of, it is used often as a latrine and carcasses are seen floating, so that there is a great want of pure drinking water.

4. That the serious state of health of the village will be evinced from the reply given in the Council in its sitting of the 30th March, 1931, to the starred question No. 174 asked by Mr. K. C. Ray Chowdhury: It was clearly stated there that the birth-rate of the village is being decreased whereas the death-rate is increasing. For, the statement shows, that in 1928 there were 6 births whereas 7 deaths, in 1929, 22 were born but 23 died, and in 1930, 17 died whereas only 10 were born. In an average, therefore, there were about 13 births whereas deaths were about 15.

5. That from this statement, it will also be clear that this death-rate is due mainly to malaria which can easily be prevented by the clearing of the jungles and the sinking of a tube-well and proper medical aid.

6. That your memorialists are constrained to say that in this connection the district board, local board and the union boards are utterly indifferent for your memorialists really find no trace of their

existence and functioning in any work in this village. The union board, though established for three years, has not yet spent a single *cowrie* towards any improvement of the village, but the taxes have been enhanced; no medical aid is available in times of emergency, and though it is heard that there is a doctor and a sanitary inspector yet they are not seen. Adulterated foods, especially milk, are freely dealt with in the three markets and *hats* of Brahmandanga, Naldhi and Mithapur, but no action is taken against the dealers.

7. That the Minister in charge of the Local Self-Government was approached in this connection by memorials of the 4th March, 1930, and also of July, 1930, and Kumar Shib Shekhareswar Ray, then Minister-in-charge, your memorialists understands, passed orders as to the sinking of a tube-well, but no effect as to the order has yet been given.

8. That in these circumstances, your humble memorialists most humbly pray for an order for necessary steps to be taken to remove the wants of the village by managing to clear out jungles, sinking tube-well and by looking to the affairs of the various boards.

And for which act of kindness your humble memorialists shall, as in duty bound, ever pray.

INDUBHUSHAN SARCAR

AND OTHERS.

Dated Sankerpur,

Post Naldi, district Jessore,

5th June, 1932.

Khan Bahadur Maulvi AZIZUL HAQUE: With regard to the reply of the Hon'ble Minister I find a copy of the memorial here, and with reference to paragraph 7 of it, will the Hon'ble Minister be pleased to state whether the Minister in charge of Local Self-Government or, for the matter of that, Government has any authority to pass orders on the district boards or other local bodies to sink tube-wells in the villages under their management?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I do not suppose that the Minister has any such power.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Process-servers' badges.

24. Maulvi HASSAN ALI: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that at present the process-servers of different districts have to use different kinds of badges; and

(*ii*) that the process-servers of Dacca, Nadia, Midnapore, Bakarganj and certain other districts have been permitted to wear a very decent kind of badge prepared at their own cost?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons why this privilege has been denied to the process-servers of the other districts?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) (*i*) Different types of badges are used in different districts.

(*ii*) The process-servers referred to have been permitted to wear badges prepared at their own cost.

(*b*) The introduction of the badges referred to has not been authorised by Government.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to answer (*b*) will the Hon'ble Member be pleased to state under whose orders the process-servers have been permitted to wear badges prepared at their own cost?

The Hon'ble Mr. R. N. REID: I understand under the orders of the District Judge.

Rai Bahadur KESHAB CHANDRA BANERJI: Have any general orders been issued by Government?

The Hon'ble Mr. R. N. REID: No.

Prayer room in the Calcutta High Court.

25. Haji BADI AHMED CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the door of the prayer room in the Calcutta High Court faces the west?

(*b*) Is the Hon'ble Member also aware that it is not permissible to enter a prayer room from the west while people are in prayer?

(*c*) Are the Government considering the desirability of setting apart another room for prayer where this objection does not arise?

The Hon'ble Mr. R. N. REID: (*a*) It has been ascertained that this is correct.

(*b*) I understand that it is not permissible to pass in front of people at prayer.

(*c*) This is a matter within the control of the High Court. Government are informed that the room has been in use for many years and that no complaints have been received.

Haji BADI AHMED CHOWDHURY asked supplementary questions in Bengali; Khan Bahadur Maulvi Azizul Haque translated them in English which are as follows:—

QUESTION: Is the Hon'ble Member aware of any representation made to Government?

The Hon'ble Mr. R. N. REID: I have not seen any such representation.

QUESTION: Is the Hon'ble Member aware of any representation being made to the High Court?

The Hon'ble Mr. R. N. REID: I have no information as to whether any representation was made to the High Court.

Ulipur and Nageswari Local Board constituencies.

26. Kazi EMDADUL HOQUE: (*a*) Has the Hon'ble Minister in charge of the Local Self-Government Department received a representation from the Ulipur and Nageswari Local Board constituencies or from elsewhere to give the voters a right of franchise to elect their own representatives in as much as 13 nomination papers filed by the candidates were all rejected for technical defects?

(*b*) If so, how have the Government met the wishes of the people?

(*c*) Is it also a fact that the electors of Lalmonirhat constituency have approached the Government to allow them the opportunity to

elect their representative in as much as they were prevented from doing so by the assistant presiding officer by not recording the votes of over a thousand voters coming in time?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) The only representation received is from the member himself.

(*b*) Does not arise.

(*c*) No.

3-15 p.m.

GOVERNMENT BILL.

The Bengal Municipal Bill, 1932.

Clause 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was put and agreed to.

Clause 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: I would leave out clause 3 for the present.

Babu JITENDRALAL BANNERJEE: May I ask whether clause 3 is proposed to be taken up later?

Mr. PRESIDENT: Yes.

Clause 4.

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

The motion was put and agreed to.

Clause 5.

Mr. PRESIDENT: The question is that clause 5 stand part of the Bill.

Babu JITENDRALAL BANNERJEE: I beg to move that clause 5 be omitted.

Clause 5 runs thus: The commissioners at a meeting may decide whether any particular building is a masonry building, a framed building, or a hut, or is a lodging house, as defined in section 3, and their decision shall be final and shall not be questioned in any court.

My point is this: All these expressions have been defined in the Act itself; it has been defined what a framed building is, what a hut is, and what a masonry building is. Such being the case, why should the interpretation of those terms further depend upon the sweet will of the commissioners? Why should their decision be final? I should like to have some information on the point from the Hon'ble Minister.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: There may be buildings partly masonry and partly huts. It may be necessary for the commissioners to decide in a particular case whether it is a masonry building or a hut, therefore this power is absolutely necessary. So I oppose the amendment.

Babu JITENDRALAL BANNERJEE: I do not press my amendment.

The motion of Babu Jitendralal Bannerjee was then, by leave of the Council, withdrawn.

Rai Bahadur KAMINI KUMAR DAS: I beg to move that in clause 5, in lines 4 and 5, the words "and shall not be questioned in any court" be omitted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I do not think that these words can be omitted, because they were put in by the Select Committee after much discussion and the principle which guided the Select Committee was to minimise causes of friction as much as possible, which was likely to lead to litigation. So I oppose it.

Mr. NARENDRA KUMAR BASU: I think, Sir, even though the Select Committee might have added these words after discussion, to make the classification of buildings depend upon the decision of the commissioners as final will not be fair and just to the ratepayers.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: In view of the explanation given by Mr. Basu, I propose to accept the amendment.

The motion of Rai Bahadur Kamini Kumar Das was then put and agreed to.

Mr. PRESIDENT: The question is that clause 5, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 6.

Mr. PRESIDENT: The question is that clause 6 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that in clause 6 (*1*) (*a*), in lines 1 and 3, for the word "town" the words "local area" be substituted.

The word "town" has not been defined. Municipalities are often constituted in what we generally call "villages". The words "together with or exclusive of a village" do not also help. As the draft now stands no place which is not a "town" before the municipality is constituted can be constituted into a municipality. In the present Act the word "place" is used in sections 3 and 7 and in section 8, which is the analogous section, the words used are "town or village". To avoid future difficulty the word "town" may better be substituted by the words "local area". This should also be done in clause 7 and clause 8.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: This amendment is quite unnecessary; as the "town" is not defined it will leave Government some descretion to decide whether a municipality should be constituted in a particular area or not. What a town is, requires no definition. So I oppose the amendment.

Babu JITENDRALAL BANNERJEE: There are other grounds, Sir. If "town" has not been defined, "local area" also has not been defined, and the use of the word would be unmeaning in the context. Government may constitute any "local area" a municipality—what does that mean? Whereas so far as "town" is concerned there is no misunderstanding about it. Everybody knows what a town is or ought to be.

Dr. NARESH CHANDRA SEN GUPTA: The difficulty is also that there are many local areas which it would be an abuse of the English language to term a village. So I oppose it.

The motion of Munindra Deb Rai Mahasai was then put and lost.

Mr. ANANDA MOHAN PODDAR: I beg to move that in clause 6 (*1*) (*i*), after the word "municipality," the following be added, namely:—

> "according to the increase or decrease in population, income, number of voters and commercial and general importance of the place."

Sir, my object in moving this amendment is to set up a standard for fixing the number of municipal commissioners. A reference to the list of municipalities in Bengal with their population and income will convince the hon'ble members of this House that the number of commissioners of the Bengal municipalities have been decided by the Government most arbitrarily and there is no standard for the same. In most cases the number has remained the same though the town has undergone a considerable change as regards its population and income, etc. As an example I would only cite one case—the case of the Narayanganj Municipality. Since 1870, the year in which this municipal board was first created, the number of commissioners of this board has been 12. Of the 117 municipalities in Bengal, Narayanganj occupies the fifth or sixth place on the top with respect to income and population, but in respect of representation in the municipal board its place is almost at the bottom. Let me quote some figures from the *Calcutta Gazette*, dated the 15th January, 1931.

There are about 35 municipalities in Bengal where the number of commissioners is similar to that of Narayanganj, *i.e.*, 12. But the income and population of Narayanganj is, in all cases, far greater than that of any of them. The income of these municipalities varies from about Rs. 4,000 to Rs. 60,000 while the income of Narayanganj is about Rs. 2 lakhs. In the case of 19 among these 35 municipalities, the population is even less than 10,000—the minimum being 2,305 at Birnagar, while at Narayanganj the population is more than 33,000. There is nothing to justify such an inequitable representation.

Then, Sir, the municipalities where the representation is more than 12 but less than 20 are about 40. In respect of population they vary from 3,765 in Kumarkhali to 29,938 in Hooghly-Chinsura, the income in every case is again much less than that of Narayanganj.

Of the municipalities in which the representation varies from 21 to 25 their number is 7. The population in this group is less than 30,000 in each case (*viz.*, Berhampore 26,000, Pabna 19,000, Rajshahi 24,000, Barisal 26,000, Krishnagar 22,000, Bally 23,000 and Dinajpur 18,000). The income also in all these cases is much less than that of Narayanganj. Thus the position in respect of population and income of these municipalities is somewhat akin to that of Narayanganj. Is it not strange enough that while these municipalities, though occupying a similar

position, enjoy representation varying from 21 to 25, Narayanganj must remain satisfied with only 12 commissioners forever? There are other municipalities as well which labour under similar disadvantages.

Sir, unless there be a standard for fixing the number of commissioners in Bengal, the position cannot change.

Dr. NARESH CHANDRA SEN GUPTA: Before the Hon'ble Minister speaks on this motion, I have a request to make to him with regard to this amendment as well as other amendments.

Mr. PRESIDENT: Other amendments are not before the House and so you cannot refer to them.

Dr. NARESH CHANDRA SEN GUPTA: All right, Sir, with regard to this amendment then. It is very difficult for us to determine whether there is any substance in this amendment or not, for this reason that we have not been able to master the details of the 542 clauses which the Hon'ble Minister has thrust upon the House at so short a notice. Having regard to that, it would be very convenient if the Hon'ble Minister, instead of confining himself to a bare answer to the amendment, would kindly refer us to the relevant provisions of the old Act, which may have a bearing on this amendment. Looking at this amendment, it seems, on the face of it, that what my friend wants to do, is to restrict the absolute discretion of Government, which they have under section 6, to alter the number of commissioners of any municipality. I should be glad if the Hon'ble Minister can point out anything in the Act, or elsewhere, which in any manner restricts or regulates the discretion of Government.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I could not follow what Dr. Sen Gupta meant, but I hope that he will make himself more intelligible. In regard to this motion there is no justification for the charge levelled by the mover against Government because Government have always followed the principle of taking into consideration the population, the increase or decrease in the number of voters; and whenever there is any recommendation from the municipal commissioners Government have always tried to accept their opinion.

3-30 p.m.

Mr. Poddar has brought in the *ultima thule* of the Narayanganj Municipality. Unfortunately that municipality twice refused to recommend what Mr. Poddar wants to do. So, I cannot help him if the

commissioners of the Narayanganj Municipality do not want to do so. However, I shall accept this amendment subject to this alteration if he would agree to it. I would propose the following, instead of "according to, etc.":—

> "in consideration *inter alia* of the increase or decrease in population, etc."

If this satisfies him, I am willing to accept the amendment in the above altered form.

Mr. ANANDA MOHAN PODDAR: I am satisfied with the wording proposed by the Hon'ble Minister, and I have no objection to accept it.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I would oppose the amendment of Mr. Poddar. It appears to me that clause 6 (*1*) lays down certain powers which the Local Government may exercise in regard to a municipality, it may, by notification, declare a certain area to be a municipality or alter the number of commissioners of a municipality and so forth, and none of the sub-clauses (*a*) to (*h*) give any directions according to which the Local Government may exercise that power. I, therefore, do not understand why, particularly in the case of (*i*) a direction should be laid down for Government to follow or that the Government's discretion should be bound in any way. I think the clause, as it is, should remain without the amendment proposed.

Babu JITENDRALAL BANNERJEE: Sir, I beg to join the Khan Bahadur in opposing this amendment. So far as the first clause is concerned, it gives the Local Government certain powers, and the provisos clearly lay down the conditions under which the Government can exercise those powers. Considering the fact that the provisos are there and they are clear and explicit, there seems to be no justification why such an amendment should be put forward. The proper time for such amendments will be when the question of determining the number of commissioners to be returned comes up for discussion and not till then.

Rai Sahib AKSHOY KUMAR SEN: Sir, the provisos to clause 6 (*1*) deal with matters referred to in the clause 6 (*1*), sub-clauses (*a*) to (*h*). My submission to this House is that there is no proviso restricting the provision contained in clause 6 (*1*) (*i*). So, the amendment proposed by Mr. Poddar is quite right, because the provisos do not deal with clause 6 (*1*) (*i*) and the other clauses 6 (*1*) (*a*) to (*h*) have been dealt with by the provisos. So, I think Mr. Bannerjee is not quite right when he says that the provisos deal with all matters laid down in clause 6.

Babu JITENDRALAL BANNERJEE: Mr. Poddar's amendment refers to (*h*) and not (*i*).

Rai Sahib AKSHOY KUMAR SEN: My submission to this House is that the Hon'ble Minister, seeing that there is no proviso concerning (*i*), was quite right in accepting the amendment with certain alterations. So, I support the amendment moved by Mr. Poddar.

Maulvi TAMIZUDDIN KHAN: Sir, I oppose this amendment. It will be very inconvenient if the discretion of Government is fettered in this way. If this amendment is accepted, then the number of commissioners in the municipality cannot be increased unless and until certain conditions are fulfilled. There may be other reasons for which the number of commissioners may have to be increased and such contingencies may very often arise. Therefore, if this amendment is accepted, it will rather be a hindrance than a help to Government in the matter of altering the number of commissioners.

Maulvi ABDUS SAMAD: The modification suggested to this amendment by the Hon'ble Minister seems to be quite reasonable and as there is no harm in accepting it, I support the amendment as modified by the Hon'ble Minister.

Babu SATYENDRA NATH ROY: Sir, I would like to support this amendment as modified by the Hon'ble Minister. Although the amendment of the Hon'ble Minister does not go to the full length, at least there will be some standard. I see no reason why the amendment as modified by the Hon'ble Minister should not be accepted.

The following amended motion was then put and agreed to:—

"That in clause 6 (*1*) (*i*), after the word "municipality," the following be added, namely:—

> 'in consideration *inter alia* of the increase or decrease in the population, income, number of voters and commercial and general importance of the place.' "

Maulvi TAMIZUDDIN KHAN: I beg to move that proviso (*i*) to clause 6 (*1*) be omitted.

Sir, this proviso curtails the discretion of Government in a certain way. It says that the Local Government may by notification declare a town to be a municipality, provided the Government is satisfied that three-fourths of the adult male population of the town are chiefly employed in pursuits other than agriculture, and that such town contains not less than 3,000 inhabitants, and an average number of not less than 1,000 inhabitants to the square mile of the area of such town. First of all, Sir, it seems to be a very complicated proviso. Supposing the number of people who are engaged in pursuits other than agriculture

is more than two-thirds but less than three-fourths, but there are other considerations which make it desirable that such a local area should be constituted into a municipality, this proviso will in such a case stand in the way. We also know that people are gradually advancing in education; although the Primary Education Act has not been given effect to, still the time will come and come very soon when most of the agriculturists will be educated and will like to have municipalities in an increasingly large number of local areas. Therefore, Sir, in a matter like this, I think, it should be left to the discretion of Government to declare any local area to be a municipality, and there should be no hard-and-fast rule to fetter the discretion of Government in this matter. There are also other items in the proviso which seem to be of a complicated nature, *e.g.*, it requires not less than 3,000 inhabitants. Although the number of inhabitants in a particular local area may not be so large it may yet be desirable to have a municipality there, as being otherwise suitable for the purpose of being constituted into a municipality. As I think this proviso will create complications I propose that it be omitted.

Babu SATYENDRA NATH ROY: Sir, I think if my friend had seen the next following amendment, he would have been more modest in his demand, because he wants to delete the proviso altogether. I do not think it will be safe to put in the Statute that any area, even where the population consists mainly of agriculturists, should be declared a municipality. The effect of the deletion of this proviso will be that any area might be constituted into a municipality. So, the present limitation is that three-fourths of the population should be other than agriculturists. We have got an amendment requiring that more than half of the population should be other than agriculturists. So, I think my friend might accept the other amendment.

Mr. S. M. BOSE: Sir, I beg to oppose the amendment. My friend, the mover, has overlooked the fact that this is exactly section 10 of the Municipal Act of 1884 which has not up till now, so far as I know, caused any inconvenience or hardship. I think it is desirable that the old section 10 should be as here incorporated, and there should be also a limit fixed. One cannot say that a small area consisting of say 500 people should be turned into a municipality, and the clause provides further that there should be at least an average number of not less than 1,000 inhabitants to the square mile. That is, I think, a very good provision and I would, therefore, ask the mover to withdraw his amendment.

Babu JITENDRALAL BANNERJEE: The question raised in this amendment is one of fundamental importance; and some time or other the Council will be asked to decide it one way or the other: Should

we or should we not make any distinction between urban and rural areas and should we set up municipalities in rural areas? This is a question which must be decided sooner or later. The proviso lays down clear conditions which must be fulfilled before a municipality can be set up. Those conditions are, first of all, that a town or local area should consist of at least 3,000 inhabitants; secondly, that the population should not number less than 1,000 to the square mile; and, lastly, that at least three-fourths of the adult male population should be chiefly employed in pursuits other than agriculture, and these conditions seem to be the minimum which must be fulfilled before an urban municipality can be set up. The point is, what is the good of creating municipalities in places where the people may not be able to support the municipalities with adequate revenue? The only result will be that you will be setting up a large number of bankrupt municipalities all over the province such as we have at present: and if you do not want to perpetuate this evil, the conditions ought to be there and must be fulfilled.

3-45 p.m.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I think that certain preliminary conditions should be fulfilled before an area can be declared as a municipality. As has been pointed out, there are several municipalities in Bengal which can be converted into union boards. When the Act of 1884 was passed there was nothing between an ordinary village and a municipality, but now the union boards are there, if any area is not so improved that it cannot be formed into a municipality but it requires certain amenities and improvements, it could easily be formed into a union board. If this power is taken away, it will leave no limitation and any area can be formed into a municipality, which will not be desirable. On this ground, I oppose the amendment.

The motion of Maulvi Tamizuddin Khan was then, by leave of the Council, withdrawn.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that in proviso (*i*) to clause 6 (*1*), in line 2, for the word "three-fourths" the words "more than half" be substituted.

My object is that if the non-agricultural population is to preponderate in areas which are proposed to be converted into a municipality, three-fourths is a very high number, and instead of that if more than half is substituted, the main object will be fulfilled. And if the non-agricultural population be higher than the agricultural population, and if the place becomes commercially important, it will give an impetus to its further development by connecting it with a municipality. For these reasons I propose that instead of "three-fourths," "more than one-half" be substituted.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I beg to oppose the amendment on the ground already explained by Mr. Bannerjee in connection with a previous amendment. It is a very doubtful blessing for an agricultural area to be converted into a municipality. We have seen in many places, if they want to include a small place in a municipality, it does not benefit the agricultural population of those areas, but they are simply included in the municipal area to increase the area of the municipality, and its finances. To avoid harassment, it was definitely laid down in this Act that unless the area contains three-fourths non-agricultural population, it cannot be so included. I think this is a very sound principle, and for this reason I oppose the amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The Khan Bahadur has explained what I wanted to say. As the mover of the amendment has said, if a particular area becomes important on account of business and commerce, it should be formed into a municipality, as because of its commercial importance more than half of its population will certainly be engaged in pursuits other than agricultural. So there is no justification for this amendment, I oppose it.

The motion of Babu Satish Chandra Ray Chowdhury was then put and lost.

Babu SATYENDRA NATH ROY: I beg to move that in clause 6 (*I*) for proviso (*ii*) the following be substituted, namely:—

> "(*ii*) under clause (*b*) in the case of any municipality in which the conditions specified in proviso (*i*) are complied with except on the recommendation of the two-thirds of the commissioners of the municipality and under clauses (*d*) to (*g*) in the case of any municipality in which the conditions specified in proviso (*i*) are complied with except on the recommendation of the commissioners of the municipality or each of the municipalities concerned at a meeting."

Clause (*b*) is the withdrawal of any municipality from the operation of the Act, clause (*c*) excludes from a municipality any local area comprised therein and defined in a notification, clause (*d*) includes within a municipality any local area contiguous to the same and defined in the notification, and clause (*g*) defines the limits of any municipality. My motion is that Government ought to take action under these several clauses on the recommendation of two-thirds of the commissioners of the municipality, or when it is a question of joining two municipalities, on the recommendation of the commissioners and the municipalities concerned. This I think gives some power to the municipality and on their recommendation Government may take action.

Mr. NARENDRA KUMAR BASU: I beg to oppose this amendment. My friend Mr. Roy has given reasons which I am afraid will not apply to the amendment he has moved. The only amendment he is moving is that in place of the recommendations of the commissioners, which must mean the majority of the commissioners, he wants to make the recommendation of two-thirds of the commissioners obligatory. I do not think he has made out a case for restricting the power of the majority of the commissioners.

Dr. NARESH CHANDRA SEN GUPTA: I support this amendment, although I should prefer that the proviso be omitted. Clause (*b*) means practically the liquidation of the municipality. It means that the municipality should cease to exist and then Government might withdraw the municipality from the operations of this Act, under the proviso the Government can wind up a municipality if there is a bare majority of the commissioners who wish it. I may refer in this connection to an analogy of a company which is being liquidated. A company cannot liquidate by a bare majority of votes, but only when it passes a special resolution. So I think on that analogy a municipality ought not to be allowed to get itself liquidated except when there is an assurance that the opinion is not of a bare majority, but represents the opinion of a substantial majority of the commissioners, and, therefore, of a substantial majority of the people of the locality. I think on the grounds of principle, the decision on such a momentous matter should not be taken on the votes of a bare majority of the commissioners.

Mr. S. M. BOSE: I beg to support this amendment on the grounds stated by the last speaker. I think it is quite proper that when any municipality is sought to be withdrawn from the operations of this Act, there should be, not the ordinary bare majority, but a large majority. But I would suggest that it should be two-thirds of the commissioners present at the meeting. If it is two-thirds of the whole body, such a resolution is very unlikely to be adopted and I would ask my friend to adopt my suggestion.

Babu JITENDRALAL BANNERJEE: I beg to oppose this amendment. I agree with Dr. Sen Gupta that clause (*b*) practically means the liquidation of a municipality; and so far as companies and corporations are concerned, the vote of a majority, of a two-thirds majority, is final. But here the analogy ends. So far as the fate of a municipality is concerned, the vote of the majority is not final. This vote has to be forwarded to the Local Government, and the Local Government may, or may not, accept the decision of the majority. Once men become municipal commissioners they are not always willing to divest themselves of the power, dignity and privilege that attach to the position. We know that human nature is such. Take the case of small municipalities such as Kotrang, Debhata, Chakdah or the like.

Do you think that the high-placed municipal commissioners of these places will commit *hari-kiri*, will lay a self-denying ordinance upon themselves, and willingly abnegate their position as commissioners, even though their municipalities may be bankrupt, and there may be no justification for the continuation of their existence? It would be useless to expect any such thing. Therefore, to insist upon a two-thirds majority in such cases would be to make a dead letter of the law. And so I say—let it remain as it is, and leave it to the Government to act upon the decision of a bare majority or just as they like.

Rai Sahib AKSHOY KUMAR SEN: I beg to support the amendment. First of all let me deal with section 6 (*1*) (*b*). Here, as my hon'ble friend Dr. Sen Gupta has said, when a municipality has to withdraw from the operations of the Act, the opinion of at least two-thirds of the commissioners of that municipality should be taken, and the ground urged by him in support of that is quite sound. As regards clauses (*d*) to (*g*) these are also important matters. Clause (*d*) deals with the inclusion within a municipality any local area contiguous to the same and defined in the notification, and clause (*e*) is to divide any municipality into two or more municipalities. Clause (*f*) is to unite two or more municipalities so as to form one municipality, and clause (*g*) defines the limits of any municipality. All these are important matters, but as under the Village Self-Government Act, when in special cases the Budget, and other important matters are to be dealt with, the opinion of two-thirds of the members is to be taken, and they cannot do anything special without the consent of two-thirds of the members. In various other cases we find that when an important matter is to be dealt with, the opinion of the bare majority should not be accepted. The opinion of at least two-thirds of the commissioners, as suggested by the amendment, is, I think, quite reasonable. With these words I support the amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I oppose this amendment. I think the section, as it is, is quite sufficient, and it is not necessary to have the words "two-thirds."

The motion of Babu Satyendra Nath Roy was then put and lost.

4 p.m.

Mr. PRESIDENT: The question is that clause 6, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 7.

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

Babu JITENDRALAL BANNERJEE: I beg to move that in clause 7, in line 5, the words "through the District Magistrate" be omitted.

This is an amendment with which I shall have to come up again and again before the Council, and I should like, first of all, to deal with the general ground principle upon which I base my contention, my idea is that municipalities, local and district boards, and in fact all self-governing institutions should be placed immediately and directly under the control of the Board or Ministry of Local Self-Government as the case may be, and there should be no intervening barrier of authority such as that of the District Magistrate or the Divisional Commissioner. In the past we have found that the interference of Magistrates and Commissioners has proved to be, not only mischievous but unnnecessary, superfluous, and injurious to the growth of spirit of self-government. Therefore, as far back as the time of the Montagu-Chelmsford report, the principle was laid down that these local bodies, local self-governing institutions, should be left as free from outside influence as possible. I move accordingly for the omission of the words "through the District Magistrate" so that the scope of outside interference may be minimised as much as possible.

So far about the general principle. But as regards this particular section, there is an additional ground as well. The section lays down that, where an inhabitant objects to action being taken under section 6, what he is required to do is to forward his objection through the District Magistrate. The District Magistrate has no other function in connection with it than just to forward the petition. He is not authorised to inquire into the matter, or to submit a report, he is just required to serve as a post office. I do not understand why there should be this red-tapeism. If instead of forwarding his petition through the District Magistrate, the objector puts it in the post box, it would serve his purpose just as well and would, at the same time, effect some much-needed economy in time and expense. If it could be shown that the District Magistrate had any statutory obligation or statutory power in connection with the matter, the position could have been understood; but the District Magistrate has no such statutory function, duty or authority. He just forwards the petition, and that is all. Is it suggested that District Magistrates have no higher duties to perform than to serve as a post office for forwarding communications of this kind?

Khan Bahadur MUHAMMAD ABDUL MOMIN: The District Magistrate ought to be in the chain of communication. The Minister in charge of Local Self-Government is not supposed to know the local conditions and necessarily will have to depend on the local authority, the man on the spot, for an inquiry and report on the petitions. The intention to put the words "through the District Magistrate" is not for any other purpose except to give the man on the spot an opportunity

to make a report and thus avoid delay involved in having to send it back to the District Magistrate. The Minister obviously can take no action without consulting the local authority. Therefore I think the words "through the District Magistrate" ought to remain.

Mr. NARENDRA KUMAR BASU: I think the previous speaker has not given the correct reason for this provision and his ground for objecting to the amendment is rather to express his personal experience. The Local Government may certainly ask for the opinion of the District Magistrate or any other local officer and there is nothing in this Bill to prevent the Local Government from asking for anybody's opinion and if the Local Government want the opinion of the District Magistrate the Local Government may send the petition or a copy of it to him or to the Subdivisional Officer or for the matter of that to the Circle Officer or the *chaukidar*, but why it should be obligatory for a petitioner to send it through the District Magistrate and not direct to the Government, I cannot understand.

Dr. NARESH CHANDRA SEN GUPTA: I will only add two words to what has been stated by Mr. N. K. Basu. It is perfectly true that the Local Government may have to seek the advice of the District Magistrate but they may seek it after they have received the objection. And, even if Mr. Momin is right in his argument, the District Magistrate may probably have to seek the opinion of a Deputy Magistrate or Sub-Deputy Magistrate or a Circle Officer who may be entrusted by him with this inquiry. On this view that would be a good reason for putting in not the District Magistrate alone but all these into the Act. The Local Government may ask for the opinion of the whole host of the bureaucracy from the Secretary to the *chaukidar*—they will have the fullest power to do so. But need they have the duty under the Act itself? What will be the result of this? The result will be that the petition will be delayed in coming to the Hon'ble Minister. Only this day the Hon'ble Minister said in answer to a question that certain inhabitants of a village under a union board sent a petition to the Government—the advance copy of it has been received but the one through the regular channel has not yet come. In this case it has to come through the District Magistrate. The District Magistrate will send it to the Commissioner and from the Commissioner it will come up to the Local Government. It means a long delay. The matter may be urgent. When it is received it may be sent back to the District Magistrate for further information with strict injunction to submit it within a certain date. But it must not await the pleasure of the District Magistrate. If the District Magistrate must be there why not put the names of any number of officers down to the Circle Officer?

Mr. J. N. GUPTA: I listened with some degree of surprise and amazement to the sweeping remark made by Mr. J. L. Bannerjee against the alleged mischievous interference of District Officers and Commissioners in the performance of their duties of supervision of the local self-governing institutions. I do not know exactly what experience Mr. J. L. Bannerjee has of the municipalities and whether he is actually a commissioner of any municipality, but I can speak from personal experience, as I have inspected more municipalities than any person living and I know intimately the feeling of the people themselves. These inspections are generally made in a friendly spirit to help and encourage the institutions and not only to find fault with them and I am sure there is no such feeling of resentment and dissatisfaction amongst the people concerned as is made out by Mr. Bannerjee. I think his observations are entirely unfounded and should be withdrawn. Had it not been for the District Magistrates and Commissioners I make bold to say the local self-governing institutions will not have stood where they are to-day. The object of putting in the words "through the District Magistrate" is very clear as Mr. Momin has explained to the House. It, far from causing any delay, will facilitate matters because the District Magistrate will be in a position to give at once first-hand information which the Minister might want. If you do not want to utilise the services of District Magistrates why keep the District Magistrates at all?

Dr. AMULYA RATAN GHOSE: I rise to oppose the amendment. I have heard the speech of Khan Bahadur Abdul Momin and I am convinced by the arguments that have been put forward by the previous speakers in opposing the amendment. It is a very difficult thing for the ratepayers to see the Minister on such matters. At present if any man wants to present a petition he finds it extremely difficult to approach the Minister but a provision like this will make the position of the ratepayers more easy and clear and the argument that the District Magistrate will serve only as a post-office does not mean that he will not do his bit in the interests of ratepayers. When the petition will pass through the hands of the District Magistrate it is implied he will consider the importance of the subject and give his opinion accordingly. Therefore it is in the interests of the ratepayers themselves I think that this clause should stand as it is.

Rai Sahib AKSHOY KUMAR SEN: I am surprised that my hon'ble friends have mostly dealt with the question whether such petition should be sent through the District Magistrate or not. The main question has nothing to do with that. If you will be pleased to go through the amendment you will find that much time was lost upon an

unnecessary question. The amendment does not say whether such petition should be sent through the District Magistrate or not. Here you will be pleased to see——

Mr. NARENDRA KUMAR BASU: On which amendment are you speaking?

Rai Sahib AKSHOY KUMAR BASU: On 66.

Mr. NARENDRA KUMAR BASU: We are not discussing that. We are discussing amendment No. 63.

Rai Sahib AKSHOY KUMAR BASU: I am so sorry.

Babu SATISH CHANDRA RAY CHOWDHURY: There is no danger of interference. There must be directions to the ratepayers as to whom they are to approach in such cases. Therefore the direction here is that all applications should be submitted through the District Magistrate. It does not call for any interference on the part of the District Magistrate; it gives the ratepayers the right to submit their applications to the nearest authority. They may submit their petitions to the Government direct but if there is no direction they might get puzzled. This is not a case on which we should invoke the bogey of magisterial interference.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: District Magistrate here is merely the forwarding authority and I need hardly say that the people in the districts have much confidence in the District Magistrates. But as we want to expedite matters I am prepared to accept the amendment.

The motion of Babu Jitendralal Bannerjee was then put and agreed to.

4-15 p.m.

Maulvi ABDUL HAMID SHAH moved that in clause 7, in line 6, for the words "six weeks" the words "three months" be substituted.

He spoke in Bengali, the English translation of which is as follows:—

"Mr. President, in this Bill only six weeks' time has been allowed to individuals concerned for filing their objections to the establishment of new municipalities or to the changes in the boundaries of the existing ones. Again, these objections have to be forwarded through the District Magistrate. The time-limit of six weeks is wholly insufficient for the inhabitants of the locality where a new municipality has been

established to submit their objections after having consulted expert legal opinion on matters concerning land. Also, considering the fact that there is no provision in the Bill for rectifying any mistakes that may creep into the objections filed, I deem it proper to increase the time-limit for submitting carefully prepared objections from six weeks to three months."

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I am prepared to accept the amendment.

The motion of Maulvi Abdul Hamid Shah was then put and agreed to.

Mr. PRESIDENT: The question is that clause 7, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 8.

Mr. PRESIDENT: The question is that clause 8 stand part of the Bill.

The following motion was called but not moved:—

Maulvi SYED MAJID BAKSH to move that in clause 8, in line 1, for the words "six weeks" the words "three months" be substituted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, this amendment is consequential and with your permission I shall move it. I move that in clause 8, in line 1, for the words "six weeks" the words "three months" be substituted.

The motion was put and agreed to.

Mr. ANANDA MOHAN PODDAR: Sir, with your permission I should like to change my amendment to read as follows:—

"That to clause 8 (*g*) the following be added, namely:—

> 'in consideration *inter alia* of the increase or decrease in the population, income, number of voters and commercial and general importance of the place.' "

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I accept the amendment.

The motion of Mr. Ananda Mohan Poddar was put and agreed to.

Mr. C. C. COOPER: Sir, I beg to move that after clause 8 (*g*), the following be added, namely:—

"(*h*) where the site or premises of a dwelling house, manufactory, warehouse, place of trade or business lie within the limits of two different municipalities the Local Government shall declare within which of the municipalities the whole of the same shall be included."

Sir, my object in moving this amendment is that where certain premises do lie within two different municipalities, difficulties may arise as to which of the municipalities those premises will come under and although it may be possible to arrive at a mutual agreement between the two municipalities, still I think that in order to avoid difficulties in the future, power should be vested in the Local Government to declare which of the municipalities the premises in question shall come under.

Mr. NARENDRA KUMAR BASU: Sir, I think Mr. Cooper has made a mistake in suggesting this addition to clause 8. This can be done in accordance with clause 6 (*d*). I do not think that even if the object aimed at by Mr. Cooper be accepted by Government and the House, it can come within clause 8, which has nothing to do with the proposal made by Mr. Cooper.

Babu KHETTER MOHAN RAY: Sir, the object of Mr. Cooper will be met by clause 8 (*e*) as also by clause 6 (*d*) and (*g*). Consequently the amendment proposed is redundant. Government have ample power to say within which municipality a particular premises shall come.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I wish to add that if by mistake Government does publish a notification under clause 6 which has the effect of putting a dwelling house or a manufactory within the limits of two municipalities, clause 7 provides a remedy, and I am sure Government will set the thing right.

Rai Sahib AKSHOY KUMAR SEN: Sir, clause 6 (*d*) will be sufficient to achieve the power aimed at by the amendment of Mr. Cooper. By if the Local Government have retained the authority "to include within any municipality any local area contiguous to the same and defined in the notification". The other clauses have no application. Government have already retained the power to deal with the matters referred to by Mr. Cooper.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, with your permission I beg to move in place of Mr. Cooper's amendment the following new amendment:—

"That after clause 8 (*g*), the following be added, namely:—

'Where a dwelling house, manufactory, warehouse, place of trade or business is situated within the limits of two or more adjacent municipalities the Local Government may, notwithstanding anything contained in this Act, by notification, declare within which of these municipalities such dwelling house, manufactory, warehouse, place of trade or business shall be deemed to be included for the purposes of this Act.' "

Mr. PRESIDENT: Your idea seems to be to put Mr. Cooper's amendment in a different way. If this is going to be an independent clause it should come after clause 8 as a new clause 8A. The right time to move it will come when clause 8 has been declared by the House to stand part of the Bill.

The motion of Mr. C. G. Cooper was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The question is that clause 8, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 8A.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I formally move that after clause 8 the following new clause be added, namely:—

"8A. Where a dwelling house, manufactory, warehouse, place of trade or business is situated within the limits of two or more adjacent municipalities the Local Government may, notwithstanding anything contained in this Act, by notification, declare within which of these municipalities such dwelling house, manufactory, warehouse, place of trade or business shall be deemed to be included for the purposes of this Act."

The motion was put and agreed to.

Clause 9.

Mr. PRESIDENT: The question is that clause 9 stand part of the Bill.

The motion was put and agreed to.

Clause 10.

Mr. PRESIDENT: The question is that clause 10 stand part of the Bill.

The motion was put and agreed to.

Clause 11.

Mr. PRESIDENT: The question is that clause 11 stand part of the Bill.

The motion was put and agreed to.

[At 4-35 p.m. the Council was adjourned for prayer and it re-assembled at 4-45 p.m.]

Clause 12.

Mr. PRESIDENT: The question is that clause 12 stand part of the Bill.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 12 (*1*), lines 3 and 4, after the words "Local Government may" the words "on the recommendation of the commissioners at a meeting" be inserted.

Sir, this clause provides that the Local Government may except the municipality or any part of it from the operation of certain provisions of the Act unsuited to it. That would be innocuous enough provided we could be sure that nothing material was going to be done. But this clause is too comprehensive and embraces practically every section of the Act; so that the Local Government may under this clause except a municipality or any part of a municipality from certain provisions of the Act, however vital or material. And in sub-clause (*2*), in lieu of the provisions so excepted the Local Government may make rules which will supplement the provisions of this Act for the purpose of the guidance of the municipality during the time that such exception remains in force. There are two ways in which this clause may operate. It may have a beneficent effect, if properly administered. There are many provisions in the Act which may be unsuitable to a small municipality and the Local Government may by notification relieve that municipality of the operation of its provisions. But the

section may also be administered in such a way as to be injurious and decidedly against the principles upon which the Legislature expresses its decided opinion. In order to ensure that that this section shall operate to the benefit of municipalities, I propose this amendment: that action shall not be taken by the Local Government under this clause except upon the recommendation of the commissioners of a municipality. They, at any rate, as wearers of the shoes, ought to know where the shoe pinches and they are in the best of position to tell Government, if they fear that any provisions of the Act are unsuitable to them, that they want to be relieved of those provisions. It is only if they themselves ask to be relieved that Government should be called upon to give this benefit; not otherwise.

Babu HARIBANSA ROY: I beg to support the amendment of my hon'ble friend, Dr. Naresh Chandra Sen Gupta. If clause 12 be retained Government by this clause would retain to itself the power of overriding the provisions of this Act by framing rules which should never be allowed by any statute whatsoever. There are provisions no doubt in various Acts giving Government power to make rules which must be consistent with the provisions of the Act. If there were any amendments to clause 12 (*2*), that would have been better. However, on the grounds set out by the mover, I support this amendment.

Babu KHETTER MOHAN RAY: As pointed out by Dr. Sen Gupta this power should be used only on the recommendation of the commissioners of the municipalities which are the best judges of the situation. Therefore I think that only if the commissioners themselves ask the Local Government to except their municipality from certain provisions of this Act, should Government take any action. I therefore support the amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am prepared to accept the amendment.

The motion of Dr. Naresh Chandra Sen Gupta was then put and agreed to.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that clause 12 (*2*) be omitted. I do not quite follow its significance. If the exception remains in force in a particular area, what rules, again, need be made by the Local Government in respect of the matters excepted. I therefore think that this clause should be omitted.

Babu SATYENDRA NATH ROY: I beg to support this amendment. My reasons are these: The provisions contained in clause 12 (*1*) may be necessary but clause 12 (*2*) proposes to confer upon the Government very wide powers, such as ought to be exercised by the legislature only. As a matter of fact this clause empowers the Government to alter any provision of the Act—an Act of the legislature—and promulgate, for such municipalities as Government think fit, rules in their place. This is absolutely against all principles of representative Government and why such unfettered powers are now considered necessary has not been explained in the "Notes on Clauses". From the "Statement of Objects and Reasons," it appears that the idea is to vest the Government with the power of excepting smaller municipalities from provisions unsuitable for them. This may be done, if it is possible for the administration to be carried on without them and only when it is possible to do so without the Government being called upon to replace express provisions of an Act of the legislature by rules framed behind the back of the legislature. One can understand the enactment by the legislature of provisions, which are to be applied only with Government sanction but to vest the executive Government with powers of altering the provisions of the Law seems to be a dangerous principle. Rules are made only as supplements to the Act and not as substitutes.

Babu KHETTER MOHAN RAY: I oppose the amendment. If certain municipalities are excepted from the operation of any provisions of the Act, there must be some rules for guidance of such municipalities. If we refuse to empower the Government to make rules, the municipalities will not be able to work. In that case the only course left is to approach the Legislative Council again and again in cases when any municipalities are excluded from the operation of any provisions of the Act—a procedure which will interfere with the smooth working of the municipalities. It is, therefore, absolutely necessary that when such exception remains in force, the Government should have power to make rules in respect of those matters which are expected from the operation of the said provisions. It is not a question of altering any provision of the Act or promulgating rules in their place by the Government at its pleasure. This power will be exercised when the municipality in question asks the Government to except it from the operation of any provision which the municipality is unable to carry out owing to lack of funds or any other causes. For all these reasons I say that the Government should be vested with this power for the benefit of the municipalities. I therefore oppose the amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose the motion, because, if a particular municipality is not excepted from the provisions of this Act and if no rule-making powers are retained by Government, then the Act will cease to function. With regard to those

municipalities such a provision is absolutely necessary to enable Government to frame rules. I may tell the House that these rules will be in accordance with the Act and not inconsistent with it. I will ask the House to remember that. Government cannot frame such rules as will be inconsistent with the provisions of the Act.

Mr. NARENDRA KUMAR BASU: Does the Hon'ble Minister mean to say that he will accept the words "consistent" with the provisions of the Act after the word "rules"?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I have no objection, but it means that.

Mr. NARENDRA KUMAR BASU: It may not always mean that.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am prepared to do so if Mr. Basu will move a motion to that effect, but I still say that the meaning is quite plain.

Mr. NARENDRA KUMAR BASU: I beg to move, with your permission, Sir, that in clause 12 (2), in line 2, after the word "rules" the words "consistent with the provisions of this Act" be inserted.

The motion of Mr. Narendra Kumar Basu was put and agreed to.

The motion of Babu Kishori Mohan Chaudhuri was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The question is that clause 12, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 13.

Mr. PRESIDENT: The question is that clause 13 stand part of the Bill.

The motion was put and agreed to.

5 p.m.

Clause 14.

Mr. PRESIDENT: The question is that clause 14 stand part of the Bill.

Babu KHETTER MOHAN RAY: I beg to move that in clause 14 (*1*), in line 4, for the word "thirty" the word "forty" be substituted.

Sir, what I mean to say is that in the original Act of 1884 there was the provision for thirty members as the maximum, and after nearly fifty years we find that the same number has been retained in the present Bill. I propose that the maximum number should be forty.

Mr. ANNADA MOHAN PODDAR: Sir, I do not want to move the next amendment which stands against my name but I want to take part in the discussion of Mr. Khetter Mohan Ray's amendment.

Sir, the present Bill, if passed into law, will widen the franchise to a great extent, will democratise the constitution and will introduce important changes in the municipal administration of the province. The work to be done by the municipal bodies will also increase in consequence. But most of the municipal boards in Bengal are at present inadequately represented. So it is of real importance that the number of commissioners should be increased in consonance with the introduction of these reforms. At present, the constituencies being very wide and extended, the municipal commissioners have very little contact with their electors. If the representative institutions are to have a fair chance the voter and the commissioners must be in closer touch. So, unless an increase in the size of the electorate is accompanied by an increase in the number of its representation, the purpose of the Bill will be prejudiced. For these reasons I submit that the number of commissioners should be increased to 40.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. I think "thirty" is an adequate number and it is no use increasing it. It will be difficult perhaps to find thirty useful commissioners in some of these municipalities. So, what is the good of adding to the number and making it a bigger show? We do not want to make pocket-boroughs. It would be against the principle of democracy.

Dr. NARESH CHANDRA SEN GUPTA: I do not understand what the Hon'ble Minister means by creating "pocket-boroughs." Nobody asks him to fix the number of forty for each and every municipality; all that is asked is that the maximum number should be forty, and he is given a very long range within which to fix the number of commissioners. It certainly stands to reason to say that in big municipalities like those of Howrah and Dacca with a very large area and a large population, in order to secure adequate representation of the people the wards and

constituencies ought to be split up and made smaller than they are now. If we really want to get proper representation, unwieldy constituencies should be split up. A small number may be very suitable for a small municipality with a small population. But there are towns which have grown out of all proportions such as were taken into consideration when the original Act was passed, and for such towns there ought, at any rate, to be a provision for a larger number. I think this is a modest proposal and I hope it will be accepted.

Mr. NARENDRA KUMAR BASU: Sir, I beg to support this amendment. Clause 14 will have under its purview even big municipalities like Dacca, Howrah and Chittagong, and therefore it cannot be said that thirty is the maximum number of commissioners that ought to be appointed for such towns. They have got 90 commissioners in the Calcutta Corporation. I see no reason why Howrah should not have at least 40 commissioners.

The motion of Babu Khetter Mohan Ray was then put and a division taken with the following result:—

AYES.

Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Barma, Rai Sahib Panchanan.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Khan Bahadur Maulvi Ali-muzzaman.
Choudhury, Maulvi Nurul Absar.
Chowdhury, Maulvi Abdul Ghani.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Hug, Mr. A. K. Fazl-ul.
Khan, Maulvi Tamizeddin.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Momin, Khan Bahadur Muhammad Abdul.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hunuman Prasad.
Rai Mahasai, Munindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chawdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Roy, Babu Sagendra Nath.
Roy Choudhuri, Babu Hem Chandra.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshoy Kumar.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Austin, Mr. J. M.
Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Balmikh, Rai Bahadur Debendra Nath.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Basu, Babu Jatindra Nath.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. G. J.
Coppinger, Major-General W. V.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Eusufji, Maulvi Nur Rahman Khan.
Farooqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur. Sushil Kumar.

Ghaznavi, the Hon'ble Alhadj Sir Abdel-Karim.
Gilchrist, Mr. R. N.
Haque, Khan Bahadur Maulvi Azizul.
Henderson, Mr. A. C. R.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-ul-Zaman.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Mitter, the Hon'ble Sir Provash Chunder.
Mukherji, Rai Bahadur Satish Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. H. C. V.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J.
Roy, Babu Jitendra Nath.
Roy, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijay Prasad Singh.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarkar, Babu Benod Bihari.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. B. R.
Sen, Mr. Girie Chandra.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Thomas, Mr. M. P.
Thompson, Mr. W. H.
Townend, Mr. H. P. V
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

The Ayes being 35 and the Noes 68, the motion was lost.

5-15 p.m.

Babu SATYENDRA NATH ROY: I beg to move that in clause 14 (*1*), in line 4, for the word "nine" the word "fifteen" be substituted.

Just now the Hon'ble Minister in opposing the previous amendment said that pocket-boroughs are sometimes constituted for particular purposes. I think this argument is unsound. In a municipality pocket-boroughs will be created if the minimum number is not raised. The time has now come when the minimum number should be raised from 9 to 15. I think the number 15 is not a very large number, and considering the various interests which may be represented in the town which constitutes a municipality, I think the number 15 is very moderate. With these words, I move my amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose the amendment. It will be a pocket-borough, Sir, if the number is increased. I would refer the hon'ble member to his own municipality. I would refer the member to his municipality which may almost be considered to be a part of Calcutta where three members come from his family. That itself shows how difficult it is to find the adequate number of suitable men in small municipalities like Kotrang, Garulia, Chakdah and other places. It is no use raising the minimum. If necessary, the number may be increased, there is sufficient margin between nine and thirty. Nothing will be served by simply increasing the minimum.

Dr. NARESH CHANDRA SEN GUPTA: I rise to support the amendment. The Hon'ble Minister has cited an example which proves nothing. It is quite conceivable that a large number of commissioners in a municipality may come from a single family provided that family is one which commands the universal respect of the whole municipality. There is nothing unusual or absolutely impossible in that. It does not necessarily imply the existence of pocket-boroughs, it does not mean that there are no suitable candidates elsewhere. It only proves that in the opinion of the ratepayers of that municipality, the members of a certain family are the men most suitable. It does not mean that there are no other suitable candidates. I wonder if the Minister has forgotten the provisions of another Act for which he is responsible, namely, the Village Self-Government Act. Under that Act, in the case of small villages, where the number of suitable persons to come on the village boards is expected even to be less than that in the towns which constitute the municipalities, even there the number is nine. Does the Hon'ble Minister ask us to believe that in a municipality, even a small municipality, there are not more suitable men available for local service than could be found in a group of small villages? That minimum had been fixed when the Bengal Municipal Act was passed, and it is time that there should be some change.

Dr. AMULYA RATAN GHOSE: Sir, I should have spoken in support of the previous one, we are in the expectation of great changes, and, therefore, in support of the amendment I beg to state that we expect much improvement in the future and this Bill is going to be enacted for the future. The franchise has been much lowered, and the number of commissioners should also be increased as the number of electorates would be much increased. The number of representatives ought to be equally large, and, therefore, Sir, it is meet and proper that the amendment should be accepted.

Mr. H. P. V. TOWNEND: Mr. President, Sir, Dr. Sen Gupta has supported the amendment by a reference to the Village Self-Government Act. He has mentioned that these union boards have usually a larger number of members. I would like to point out that the union boards are not merely representative of villages. They are representative of groups of villages which very often cover as much as 15 square miles. I would also like to point out that under the provisions of the Village Self-Government Act the maximum number of members of union boards is not more than nine. The argument, therefore, falls to the ground.

Dr. NARESH CHANDRA SEN GUPTA: The minimum is nine not six.

Mr. H. P. V. TOWNEND: The minimum number is six and the maximum is nine.

The motion of Babu Satyendra Nath Roy was then put and lost.

Mr. PRESIDENT: The question is that clause 14 stand part of the Bill.

The motion was put and agreed to.

Clause 15.

Mr. PRESIDENT: The question is that clause 15 stand part of the Bill.

Babu SATYENDRA NATH ROY: I beg to move that for clause 15 the following be substituted, namely:—

"15. All the commissioners shall be elected in the manner prescribed in the Act."

Sir, my reason for moving this amendment is that in the year 1884 it was thought advisable to have one-third commissioners nominated by Government. We have passed nearly half a century now and it is time that with the growing expansion of our legislature, with the doing away with the system of nomination in our local legislature, the time has come when that nomination should be done away with altogether in the Bengal Municipal Act which is going to be amended and placed on the statute book. There are 117 municipalities in Bengal. Sir, how goes on this nomination? This nomination is sent up by the Subdivisional Officer, then it is approved or sent up by the District Magistrate, then it comes to the Commissioner of the Division concerned, and formerly it used to go to the Secretary in charge of the Municipal Department and now it goes to the Minister. The Minister in charge of Local Self-Government cannot be expected to know all the gentlemen who are going to be nominated in the 117 municipalities in Bengal. Sir, he might know some of the prominent ratepayers of Calcutta or if he is a resident of a particular district he might know his own district people, but he cannot be expected to know all the people who are to be nominated in these 117 municipalities. Sir, this nomination to a municipality is practically made by the Subdivisional Officer. I think the time has come when this nomination should be done away with altogether and all commissioners of municipalities should be elected.

With these words, Sir, I beg to move my amendment.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I rise to oppose the amendment. My friend has been very eloquent in his demand for doing away with this system of nomination altogether and he has reminded us that since this Act was brought on the statute book a large number of years have passed away. But, Sir, it was in 1923, that this Council on the initiative of Sir Surendra Nath Banerjea for whom, I am certain, every one of us has the highest respect, and we hold his memory in reverence, it was through him that the Calcutta Municipal Act was enacted, and I find in the Calcutta Municipal Act that the Corporation consists of 75 elected councillors and ten are nominated by the Government of Bengal for particular purposes. What has been done for Calcutta is not old history, and it is difficult to make out what has happened to justify the doing away of nominations in municipalities outside Calcutta.

Babu JITENDRALAL BANNERJEE: Sir, I understand that my friend, Rai Haridhan Dutt Bahadur, is a Liberal in politics, and Liberals are supposed to be in favour of advanced political views. It is strange, therefore, that he should have lent support and countenance to this pernicious system of nomination; and stranger still that he should have taken the name of Sir Surendra Nath Banerjea in this connection. Does he really believe that Sir Surendra Nath Banerjea had any preference for the system of nomination? Is it not a fact that he had to accept it as a sort of a bad alternative because he was cursed with such colleagues as Rai Haridhan Dutt Bahadur himself?

The question arises, why should there be any nominated member at all now—after the lapse of so many years and decades? The question is not one of percentage and proportion merely—it goes to the very root of the matter. The Bengal Municipal Bill was first passed in 1884; and there might have been—I do not say that there was—but there might have been then some justification for nomination in those distant days. But during all these intervening years, have we not been making some progress? Is it not a fact that these municipalities are supposed to be democratic institutions? And is there any room for nomination in a democratic institution? Sir, the system of nomination is sought to be justified on the ground that you might thereby give an opportunity to the minorities to be represented. In point of fact, Sir, the nominated members do not represent the minorities at all. They represent only their godfathers, the nominators, and nobody else. The minorities themselves would take serious objection to the idea that their interests were safe in the hands of nominated members. And once this plea of representing minorities is disregarded as it is bound to be disregarded—the case for nomination falls to the ground altogether.

Mr. NARENDRA KUMAR BASU: I beg to support this amendment. We are now insisting that provincial Legislative Councils should have full autonomy and transference of all powers. To suppose that even in these days the people of the municipal areas cannot carry on their administration without having some of their members being appointed by Government is, I submit, absolutely out of date.

Dr. NARESH CHANDRA SEN GUPTA: I am surprised to see that Rai Haridhan Dutt Bahadur has come forward as an advocate of the principle of nomination. He has asked us what has happened since 1923. Sir, I cannot believe that he is so ignorant of contemporary history that he does not know that a great deal has happened since then. In 1923, Sir Surendra Nath Banerjea would have been content with far less than what the British Government is prepared to give us to-day in the way of self-government. In 1923, Sir Surendra Nath Banerjea found it absolutely indispensable to agree to a compromise on the question of nomination, but to-day it is not necessary for us to agree to that. Now we are certainly in a far better position to approach at any rate to the ideal proposed by Lord Ripon in his memorable resolution. I would draw the attention of the House to the sentiments which were expressed in that resolution regarding the purpose for which these local self-governing bodies were constituted. It was not meant that these local self-governing bodies would immediately become more efficient or even as efficient as the Government agencies. But, as it was explained, even at the sacrifice of a little efficiency it was necessary that the people should be taught to take charge of themselves without being further held by the leading strings by the Government. Certainly since the date when the Municipal Act was passed, we have advanced a great deal more towards self-government. That we can do without leading strings is beyond all doubts. There is no question of efficiency or any other principle which justifies this except that the Government or its district officers want that they should have some hold upon the municipalities. Unfortunately, Sir, we know that in too many cases these nominations are an instrument by which some district officers—all district officers are not J. N. Guptas—seek to maintain a strangle hold upon the municipality.

5-30 p.m.

I know of one municipality with which the Hon'ble Minister had to deal with recently in which the people of the locality complained that the District Magistrate was interfering too much in the affairs of the municipality and what was the way in which he managed to do so? He put in through the power of nomination all his own men. That is how things are managed by the District Magistrate if he wants to do

good to the municipality. We do not want this paternal government on the part of the District Magistrate; we want that the people of these municipalities should be allowed to manage and, even to a limited extent, mismanage their own affairs. Until things come to such a pass when it becomes necessary to control their public policy allow them to mismanage and to learn by experience. If we really want that these municipalities should become the autonomous bodies which were visualised by Mr. Montagu, these nominated commissioners are out of date—an anachronism. Does not any one know what the nomination means in the district? It means cringing and "kowtowing" by the people before the District Magistrate and the Commissioners and even the Hon'ble Minister to secure nomination. I want that these incentives towards cringing and "kowtowing" should cease as a result of the Act which we are going to pass in 1932. For these reasons I am strongly of opinion that the system of nomination should be done away with.

Maulvi ABUL KASEM: I rise to oppose the amendment. An argument has been put forward that these nominations are not wanted for efficiency but simply to give the District Magistrate or the local authorities some hand and control over the municipality. In the first place my friend should not forget that the proportion of nominated members in a municipality has now been reduced to nearly one-fourth and in a few cases to nearly one-fifth. How can these one-fourth nominated members control or exercise their influence under the direction of the District Magistrate, as we have been told, over the municipality where there are three-fourth elected members. On the other hand when the question of efficiency comes in, I might tell my friends, that in a big municipality or for the matter of that in a small municipality in the district headquarters on certain occasions technical advice and opinion is needed; for example, the advice of the Civil Surgeon, the District Engineer or a man with engineering qualifications. Could my friend expect that a public servant like the Civil Surgeon or for the matter of that a busy man like the District Engineer or the Public Works Department Engineer will be coming forward to help and advice any local bodies or municipalities, where should the services of a Civil Surgeon and Engineer are absolutely necessary for the sake of efficiency? A municipality has to deal with certain questions wherein the opinion and advice of the Civil Surgeon is absolutely necessary. The municipality has to deal with roads and drains and somebody beyond its own servants with the knowledge of that particular branch is required in order to have an efficient control over the municipal staff. There is another question and that question is that although the Chairman of a municipality is to be elected he is generally nominated. I speak from experience. I ask my friends to consider the point seriously whether it is not desirable that the Chairman of a Corporation should not offer

himself as a candidate because he has a much greater advantage over his competitors, for example, he is the man who has a direct hand in making out the electoral rolls and we cannot, in spite of eloquence, deny the fact that there is the human tendency which is very apparent at least in Bengal of making every attempt to have the electoral roll suited to our own purposes. If I may say so I think that my friend the Hon'ble Minister for Local Self-Government will verify my statement, that at least in the Burdwan Municipality one house or a small building for which the tax was assessed at Rs. 15 a month was supposed to have contained 45 voters in that particular house because the gentleman who prepared the voting list was interested in those 45 persons. He had control of all municipal officers and therefore it is very unfair for him to compete with the people in the district. My suggestion would be that the chairman of an outgoing municipality should be nominated and if he is not popular enough he should not be nominated as chairman again. Then the question comes about the particular minority, I am not speaking of Muhammadans in this connection; but there are certain classes whose number is so small, their population is small who cannot by any reasonable means be expected to be elected either by a general electorate or any other special means of election. Therefore Government should have power to nominate. I quite agree with Dr. Naresh Chandra Sen Gupta that in many cases in Bengal the power of nomination has, I will not say, been abused but has not been properly used by the local authorities but that is no reason why we should think in the future Government of India, that the power will not be properly used. Besides, if the power is abused there will be ample opportunity to bring the matter before the House. A reference has been made to my leader, late Sir Surendra Nath Banerjea, and it has been said that in 1923 he was prepared to accept much less than Government was offering to-day. In the first place what is the criterion upon which we are going to act and from my point of view I think that if Sir Surendra Nath Banerjea had been alive to-day he would have withdrawn the constitution which he gave to the Calcutta Corporation.

Mr. W. H. THOMPSON: This amendment, it appears to me, has been moved with the object of avoiding interference in local affairs, especially in the matter of representation by the Local Government. I think it was the last time I had the honour to address you, Sir, in this House before I went on leave last year when, speaking on a kindred subject, Mr. J. L. Bannerjee, the supporter of the present amendment, gave me "Hear, Hear". He will have forgotten it, but a person like myself would not forget applause from so great a speaker. The motion was a token cut in the Budget to express dissatisfaction that the Government had not to make a statutory grant to the Calcutta University. Sir, the days when we sat in the Town Hall with our friends the Swarajists opposite to us they were forever advocating the

reduction of the Government's powers and the formation of independent bodies with particular functions. They even proposed that an independent board should be constituted to deal with water-hyacinth, and I remember saying that with a new constitution under consideration it would be wrong for the old Government as it were to put a mortgage on its property just before handing over to the new Government. The same applies in this case.

The Government have the power of nominating a certain number of municipal commissioners. In certain municipalities the number of nominated commissioners is at present as much as half and I do not understand what harm can be done by the nominated commissioners when their number is going to be reduced to one-fourth. There have been many instances in which by nominating persons with engineering experience, medical officers who have been able to advise on public health, and persons of administrative capacity who would never have been in a position to stand for election, a municipality which would never have functioned satisfactorily has been made a live entity which has carried out its duties to the great advantage of the town. Merely for the sentimental or idealist aim of eliminating Government interference in local affairs it would be a great mistake to lay aside the very practical advantages to be obtained by nominating the right sort of people. I therefore oppose the amendment.

Khan Bahadur Maulvi AZIZUL HAQUE: At the risk of being criticised and probably misunderstood I oppose the amendment moved by my friend for eliminating the power of nomination from Government. I quite admit the force of all the arguments which have been made on the floor of the House and I do realise the importance of our being alive to the realities of the circumstances. But the fact is a fact and the realities are sometimes such that people who are not really accustomed to theoretical discussion but are brought up in an atmosphere of facts and realities have to admit that at times, in spite of our earnest faith in the rule of the majority, we have seen sometimes that the majority is not always for our good and more so when in a country like India we have to feel and feel very bitterly that the rule of the majority is sometimes a rule of tyranny. I feel every moment of my life that if Mr. Bannerjee had ever been in any of the municipalities he would not have moved certain of the amendments that he moved especially when he accuses us by saying that we are not prepared to act in a municipality always with the highest motives.

5-45 p.m.

We are guided by our personal consideration, local consideration and parochial consideration, and, that being so, I am afraid we have to face facts. Often there are occasions when the interests and considerations

which ought to receive due weight from the municipal authorities do not get it simply for the fact that there are certain elements who do not represent anybody. Those of us who are conversant with municipal life realise that there are persons who are interested only in their own things. I think the batch of nominated people do serve a useful purpose in the municipality. I quite agree with my friend Dr. Naresh Chandra Sen Gupta that so far as the power of nomination is concerned, it has not been exercised with due care in the past, and the Muhammadan community especially have suffered much. We have always found that wrong persons have been nominated, but in spite of this state of affairs I am not prepared to say on the floor of this House that this power of nomination should be done away with, because things are changing and what has been possible in the past will be impossible in the future. In the future we are certain that it will not be possible for Government to exercise that power improperly. I therefore think that it will not be wise at this stage to do away with the power of nomination. I quite realise that this nomination is a factor by which it may be possible sometimes to bring in men who would not otherwise come in. I ask each member of the House to say honestly whether he would like to run the risk of an election. This system is not merely prevalent in Bengal or confined to any particular country, but it is confined to all ages and all countries. It is true that self-interest plays a prominent part in elections, not merely in the Council elections, but also in municipal elections; but it is always necessary to leave a certain sub-stratum of power to Government by which they can nominate other people who do not wish to go through the rush of an election. Take for instance our distinguished friend Mr. J. N. Gupta who I think would not wish to run the risk of an election. On the other hand, my friend Dr. Naresh Chandra Sen Gupta would perhaps like to take all the troubles of an election. Then again take the case of my friend Khan Bahadur Abdul Momin who will be glad to avoid all the troubles of an election and as a matter of fact most people would like to avoid an election if they can help it, and if this system of nomination were not in force the municipalities would not have the benefit of the services of these gentlemen.

Dr. AMULYA RATAN GHOSE: Sir, I would like to say a few words in support of the amendment as I have some experience as a commissioner of the second biggest municipality in Bengal. The amendment has been supported by Mr. J. L. Bannerjee and Dr. Naresh Chandra Sen Gupta and I need hardly repeat again the grounds they have traversed. But, Sir, I should like to say a few words on the practical aspects which I as a commissioner of several years standing on close observation noticed in the municipal administration of the province. My experience is, firstly, that the nominated commissioners are very reluctant to attend meetings of the municipality. There is a

rule that if a commissioner does not attend six consecutive meetings his name will be struck off the list of commissioners unless special permission is obtained from the Divisional Commissioner or leave of absence is obtained from the local body concerned. It is normally the case that these nominated commissioners do not attend five meetings. They engage themselves in their business pursuits or service or whatever it may be; and when the sixth meeting comes, the secretary of the municipality or some responsible officer of the municipality has to send demi-officials to them asking them to attend the meeting, as otherwise their names may be removed from the list of commissioners. I say this from my own experience. Sir, another thing that is urged in support of the appointment of nominated commissioners is that they give expert advice to the municipality. I do not think any useful purpose is served by having such expert commissioners when every municipality has got its sanitary officer, its health officer, its engineer and other expert officers who can well advise on such matters as may crop up. Then again, it cannot be presumed that experts like engineers or doctors cannot come in through elections.

Sir, my next point is, supposing a Civil Surgeon is nominated as a commissioner of a municipality; no one can debar him from voting in matters in which he has no practical knowledge; in the same way an engineer-commissioner may vote in a matter of which he knows nothing. I have seen votes of such expert nominated commissioners not infrequently being given under misapprehension or without understanding the actual conditions of that particular municipal matter and thus their vote is oftener recorded against public interest. For all these reasons I am of opinion that the system of nomination is dangerous. The vote of a nominated commissioner is often decided by demi-officials from chairman or vice-chairman of the municipality for the benefit of the executives.

Sir, it has been urged by some people that in 1923 the system of nomination was introduced in the Calcutta Municipal Act and there is no reason why this should not be retained in the Bengal Municipal Act.

Sir, as far as I remember seven years ago there were resolutions after resolutions passed by my municipality requesting Government to do away with nominated commissioners, and after seven years if this demand is made now by the hon'ble members of this Council, I think this cannot be objected to in any way by any reasonable Government.

Mr. Thompson has explained the position of the nominated commissioners and I have also indicated the actual position from my personal knowledge, but I shall say something more. Sir, I might say that there are generally two parties in every municipality—one party consisting

of commissioners who support the executive and the other makes up the opposition and are generally on the people's side. Now, the nominated group generally fall in with the executive and they are to my mind a stumbling block to the elected representatives, the elected majority, and they always try to bring into prominence the views of the executive on municipal matters without any regard to popular views: that is also a reason why this system of nomination should be done away with.

As regards future Government, the executives will remain as now, there will be an opposition party also and things will go on as it is and, therefore, the nomination system will be as bad in future as it is now.

Khan Bahadur Azizul Haque has said that a minority is a necessity. Sir, a minority which has got its own independence is certainly a useful body, but a minority which often merges into the majority does not give the semblance of a minority. Sir, these nominated members always merge themselves into the majority.

Sir, when the Howrah Municipality was captured by the congress nominated commissioners I have seen that the nominated group paled into insignificance. And what was the result? In every meeting they were so shy of getting defeated that for some time they abandoned coming to the municipality and later on one after another all these nominated members began to merge themselves in the majority, so the useful minority as visualised by Khan Bahadur Azizul Haque is not the same minority as is composed by nominated members. Sir, these are facts which are within my knowledge and I place them before the Council.

Mr. J. CAMPBELL FORRESTER: Sir, I believe generally in the principle of commissioners being elected by electors: that is my general impression. But, Sir, as has been said by some of the previous speakers, there are occasions when this practice cannot be followed with advantage. If any one of this House will go down the river Hooghly he will see enormous areas—mill areas—where sanitary and hygienic work is done in a perfect manner and this work of sanitary improvement is done generally by the managers of the mills, and the nominated commissioners who are sent to the municipality are as a rule managers of some of these mills. Now, Sir, the type of men who take up this work are practically speaking men with sound knowledge of engineering and other technical matters. On the other hand, my experience of local bodies has made me think that the nominated members are really the persons who bring some degree of order in the deliberations of these local bodies and bring about practical results. (Hear, hear.) My friend Rev. Mr. Nag says "hear, hear" because he is a nominated member: I appreciate his remarks. Sir, those who are acquainted with the Calcutta

Corporation must have seen that it is the nominated members who really bring things to practical issues and, therefore, under these conditions it is absolutely advisable that the nominated commissioners should continue.

Reverend B. A. NAG: Sir, I was listening with great sorrow to the libel against the nominated commissioners by my friend Dr. Ghose. I do not know whether he was speaking of any particular municipality in Bengal or in Timbucto. I myself am a nominated Councillor of the Corporation of Calcutta and I can give the lie direct to the charges made against the nominated commissioners. I think I am present in the meetings of the municipal board much oftener than those who pride themselves as elected members.

6 p.m.

Sir, the point is this and that is what appears to us nominated members—probably Dr. Ghose and other members of municipalities priding themselves to be elected will bear me out in their own minds—although I am afraid they will not support us in speech—that the elected members, whatever they do, have their eye to the next election and you always hear in private conversation that they support things which they do not approve. The nominated members are not in such a miserable plight, because their constituency—I call Government their constituency—is such that it will support a nominated member who, for the sake of his convictions, will support certain views, but the elected member is a mere slave, over whose head hangs the sword of his constituency. If you do not take care to have the assessment of my house reduced I will see that you cannot come into the Corporation again. That is the sort of threat held out to the elected members. We come across such instances almost daily. Dr. Amulya Ratan Ghose has said that nominated members generally side with the minority. Yes, they do. They side with the oppressed, depressed and the suppressed, because they have a right to do it. They do not go with that body which depends for their election upon the unconsidered views of some of the people.

Dr. AMULYA RATAN GHOSE: I did not say, Sir, that the nominated members side with the minority, but that they side with the majority.

Reverend B. A. NAG: In any case that is not my experience here and as my friend, Mr. Campbell Forrester, has already mentioned that the nominated members are doing—and I am proud to think so—a great piece of service to the city of Calcutta at this time when some of the elected members are doing positive disservice.

Mr. PRESIDENT: You should not mention any particular member.

Reverend B. A. NAG: I am sorry I mentioned it. In any case the nominated members can feel proud in what they do and in what they achieve anywhere. I am, therefore, of opinion that there is need for nomination. There are people who ought to be in the municipalities who, either because of age or because of their position and influence or because of other reasons, do not want to offer themselves for election. Such men ought to be begged to come into the municipalities and render services to their local areas. I whole-heartedly support the clause as it is and oppose the amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose the amendment. At the outset I may emphasise that it gives no peculiar pleasure to Government to resort to nomination, because Government as a Government have no interest whatsoever in making nominations but they have to do it only in the interest of minorities as Mr. J. L. Bannerjee has pointed out. They have to face facts. Government cannot function or legislate purely on theory. There are minorities who are anxious to be represented and they find themselves in a hopeless position in elections. Dr. Naresh Chandra Sen Gupta has said that many things have happened since 1923 in reply to a question of my esteemed friend, Rai Bahadur Dr. Haridhan Dutt. Many things have happened, true, but along with that it has happened that the minorities have come to realise their hopelessness and have begun to insist more and more on their representation. How can Government ignore that? How can Government say, "you—minorities—must go to the wall; and whatever your political importance or interest might be, you must take your chance at the ballot box?"

Sir, then, there is the question of experts. Dr. Amulya Ratan Ghose has said that municipalities have got their own engineers, their own health officers; so it is not necessary to appoint experts. I inquire, Sir, how many municipalities have got their own engineers and their own health officers? Very few. So, we have to appoint Civil Surgeons, and the appointment of experts is sometimes very necessary. It was alleged that Government wanted to retain hold over these public bodies through nomination. That is absolutely a myth. Government—at least the present Government—will perhaps have ceased to exist when this Act will come into operation. So Government—*quâ* Government—have got no interest whatsoever in retaining nomination. So that theory falls to the ground altogether. Moreover, the proportion of nomination has been considerably reduced in the present Bill. Originally, it was one-third. Now, it has been reduced to one-fourth for ordinary municipalities. For advanced municipalities it has been reduced to one-fifth which is a considerable advance in the present position. Sir, some seats should be left in the hands of Government for the appointment of experts, for persons who might not like to face an election and waste their energy

and money on elections. It was with that object in view that Sir Surendra Nath Banerjea introduced the provision of this election of Aldermen in the Calcutta Municipal Act, but, unfortunately, his hopes were very far from being fulfilled. But, I think, Sir, there is no such danger from nomination. On these grounds I strongly oppose this motion.

The motion of Babu Satyendra Nath Roy was then put and a division taken with the following result:—

AYES.

Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kisheri Mohan.
Choudhury, Maulvi Nural Absar.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hoque, Kazi Emdadul.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mahan.
Rout, Babu Hoseni.
Roy, Babu Jitendra Nath.
Roy, Babu Satyendra Nath.
Roy Choudhuri, Babu Hem Chandra.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Austin, Mr. J. M.
Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Birkmyre, Mr. N.
Blandy, Mr. E. N.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Nazzur Rahman.
Choudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Sunil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Henderson, Mr. A. G. R.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-uz-Zaman.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Mukherji, Rai Bahadur Satish Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ordish, Mr. J. E.
Philpot, Mr. H. C. V.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hunuman Prasad.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J.
Ray, Babu Haribansa.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarker, Rai Sahib Rebati Mohan.
Sarkar, Babu Benod Bihari.
Sen, Mr. B. R.
Sen, Mr. Giris Chandra.
Sen, Rai Sahib Akshoy Kumar.

Sulaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Thomas, Mr. M. P.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 20 and the Noes 75 the motion was lost.

6-15 p.m.

Maulvi ABDUL HAMID SHAH moved that in clause 15, line 1, for the word "three-fourths" the word "four-fifths" be substituted, and, in line 3, for the word "one-fourth" the word "one-fifth" be substituted.

He spoke in Bengali, the English translation of which is as follows:—

"Mr. President, the Municipal Act which was passed in the year 1884 is now going to be re-enacted in a new form in order to bring it into line with the advance made in the political sphere. But from clause 15 of the present Bill it is found that after 50 years of progress the number of the elected commissioners has been increased from two-thirds to three-fourths of the total strength of commissioners in a municipality. That is to say, formerly where the number of commissioners in a municipality was 18, the number of elected commissioners was 12. Under the new provision there will be only 13:5 elected commissioners, thus showing an increase of 1½ in 12 after half a century. I, therefore, suggest that the number of elected commissioners should be increased from three-fourth to four-fifths of the total strength of commissioners in a municipality."

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I oppose the amendment. The House accepted the principle of nomination yesterday, and so far as smaller municipalities are concerned, if the proportion, as laid down in this clause, is further reduced, it will give rise to difficulties. In smaller municipalities the number of commissioners will necessarily be small, and as such no room will be left for the nomination of non-officials as all the seats will be filled up by officials such as Civil Surgeons, engineers and other experts. I am against the reduction of the proportion of nomination from "one-fourth" to "one-fifth." I, therefore, oppose the motion.

Babu SATYENDRA NATH ROY: Sir, I am surprised to hear my friend, Rai Bahadur Keshab Chandra Banerji, say that because the House has accepted the principle of nomination, it must, therefore, accept the proportion of one-fourth and not one-fifth. It is an argument and logic which we have never heard before. Sir, the proportion formerly fixed by the Act of 1884 was one-third. Now it has been fixed at one-fourth. In a body of 12, the difference in these two proportions

is very small, it makes a difference of only one commissioner. Sir, in order to move on with the times, I submit that at least four-fifths should be elected and one-fifth nominated. With these few words I support the amendment of Maulvi Abdul Hamid Shah.

Babu JITENDRALAL BANNERJEE: My friend, Mr. Satyendra Nath Roy, said that he was surprised at the opposition of Rai Bahadur Keshab Chandra Banerji. Sir, I must say that I was not surprised at all. Rai Bahadur Keshab Chandra Banerji is a worthy representative of the breed of nominated commissioners and he was naturally anxious about the fate of his constituency. That is the reason why he should lend his support to the principle of nomination. His attitude is one of superarrogation so far as his championship of the system of nomination is concerned. Mr. Nag said that nomination is the most perfect system in the world and that nominated members are as free as air while elected members are slaves to their constituencies and their parties. Very probably it is so in the abstract. But what do we find in actual practice? Here, in this Council, we have elected members as well as nominated members——

Mr. PRESIDENT: Mr. Bannerjee, you had better not go into that.

Babu JITENDRALAL BANNERJEE: I should like to justify my position and my position is——

Mr. PRESIDENT: My advice to you is not to introduce any personal element into your remarks, far less a particular individual of this House and drag his name.

Babu JITENDRALAL BANNERJEE: Very well, Sir, I shall not speak of nominated members by name; and I shall not refer to Mr. Nag at all, except in so far as he furnishes the starting point of my argument. Nomination, according to Mr. Nag, is an unqualified blessing, and I should like to understand and appreciate the difference between his view-point and mine. Sir, is it a fact that nominated members are as free as air? As I was saying, in this House we have nominated members and elected members both. And we find, from actual experience, that while the elected members go this way or that according as the spirit moves them, the nominated members go one way always. Is this a proof of freedom or serfdom? Mr. Nag has also said that there are many people who, on account of their age and position, may not care to seek election. Sir, this is a sort of argument which is trotted out in one country alone. The system of election is not something peculiar to India—it prevails in England, it prevails in America, it prevails in all the great countries of the world;

and everywhere we find large numbers of people seeking election in spite of age and undoubted social position. How is it then that this argument of age and social status should be put forward in India alone of all places? If Mr. Gladstone could seek election at 85 years of age, does it lie in the mouth of Mr. Nag to say that he cannot seek election because he is 60 years of age? Whom does he injure by not seeking election—except perhaps an uninteresting minority of "one"?

Khan Bahadur Maulvi Azizul Haque raised the question of majority rule and majority tyranny. It is very possible that the majority often go wrong, and it is very possible that a majority are sometimes tyrannical but if that is advanced as an argument in support of nomination, then you will have to go still further and abolish the system of election altogether and thus get rid of majorities and majority rule. There are elective institutions in England and the self-governing countries of the West; and the people who are elected in a majority to these institutions exercise rule and authority for the time being. The minority, for the time being, cannot have an influential voice in the administration of the country. But does that mean that the majority tyrannise over the minority and make the existence of the latter impossible? Sir, wherever elections prevail, the system of majority-rule also is bound to prevail. That is the verdict of history, that is the verdict of political wisdom, that is the verdict of political experience; and it is only in our country that this is used as an argument for supporting the representation of minorities by nomination. Sir, no objection to minorities being represented if they can be represented by means of election. But what is the good of talking about minority-representation, when the system of nomination is used, not for the purpose of giving adequate safeguard to minorities but for the purpose of neutralising the effect of elections?

Mr. H. BIRKMYRE: Sir, is Mr. Bannerjee exercising his right of reply to motion No. 102 or is he speaking on motion No. 109?

Babu JITENDRALAL BANNERJEE: Sir, I am speaking on motion No. 109 and that incidentally decides the question of nomination *versus* election.

Sir, the Hon'ble Minister said that nomination was useful because it allowed Government the opportunity to nominate experts. But where is it that you want experts? Is it in Howrah, or Dacca, or the large district stations, where there are plenty of people to give advice on questions of sanitation or engineering? Nay it is in out-of-the-way places like Kotrung or Debhatta or Chakdah that you may require the service of experts, and it is precisely there that you cannot nominate them for they are not available. The result is that you cannot nominate experts where their services are superfluous, and do not or cannot nominate them where they are wanted.

6-30 p.m.

The Minister says that he has given effect to our contention, he has revised the percentage from one-third to one-fourth. But how will this work out in the majority of cases? What is the total number of municipal commissioners on an average? Not more than 15—or, put it as high as 18. Therefore, where there were six formerly, you will now have five nominated members, in other words, there will be one nominated member less and one elected member more, and that is the utmost advance while the Hon'ble Minister, the popular and elected Minister, is prepared to make after 50 years' experience of self-governing institutions. We must say that this is a record in the way of slow progress and advancement. Therefore, my contention is that you must minimise the evil and circumscribe its effect as much as possible. Reduce the proportion from one-fourth to one-fifth in the case of the smaller municipalities; and in the case of the larger municipalities reduce it from one-fifth to one-tenth. That is the bare minimum of our demand; and the demand is so reasonable that I am yet hopeful that the Hon'ble Minister will concede it notwithstanding the support which he has received from very questionable quarters.

Dr. NARESH CHANDRA SEN GUPTA: Sir, when the hon'ble members of the House were expatiating on the virtues of those supermen, the nominated commissioners, who keep alive all wisdom and practical sanity in the municipalities, those supermen who do not seek elections for one reason or other, I almost felt that they were referring to me. I can take that compliment to myself because I have succeeded in any contested election and have never yet offered myself for election except only once or twice. Therefore, I am in a position to speak on behalf of those who by temperament are disinclined to enter the rough and tumble of an election and I should suggest that people who are so inclined, if they are really worth anything, would not be very anxious to get in by the back door of nomination. If you want men of real worth to come, those are not the men who would care to come by the back door of nomination. If you want experts, have them by all means. You might have provided for that in the Bill, as has been provided in the Government of India Act for the nomination of a few experts. But this is not a provision for the nomination of experts. It is only for the nomination of such persons as are agreeable to the Local Government or local authorities. Sir, the less we have of them the better. Even if they are supermen, a large number might be too much of a good thing. Sir, Khan Bahadur Azizul Haque has brought out an argument which we find it hard to understand. I have heard it said in this House and outside that in the coming millennium the popular Minister would be incapable of doing any wrong. Well, if Khan Bahadur really believes that, he is labouring under a strong delusion.

Even in a self-governing country, even in a popular administration, it often happens that a caucus controls the majority and the rest of the country has got to submit to that caucus. Even where there is no caucus, it is the majority that rules, and the tyranny of the majority of which the Khan Bahadur is so much afraid, will be reflected in the nominations of the future ministers in the future municipalities. There may be minorities who may capture the majority seats in a municipality by elections and that minority may happen to be particularly obnoxious to the Minister representing the majority opinion of the country. The tyranny of the majority through the Minister could be at least as obnoxious as the interference of a Minister in the present Government. If Khan Bahadur Azizul Haque really believes that by the introduction of representative Government we are going to get rid of that tyranny of the majority, of all sorts of tyranny, that we are going to get a sort of millennium, the sooner he gets rid of that sort of delusion the better for this country. Therefore, I say it is up to us to be on our guard against the abuse of power by a popular Minister who is at the head of the majority of this House just as much as against a Minister, who is not a popular Minister, as at present.

Reverend B. A. NAG: Sir, nomination has been condemned and condemned by Mr. Bannerjee as eloquently as he does condemn other things. But, Sir, is a nominated member in a worse position even in this House than an elected member? Is a nominated member bound to slavishly vote with the Government as any member of any particular party here in this House follows the lead of his leader? Have I ever seen my esteemed friend Dr. Haridhan Dutt voting in any matter against the decision of the——

Mr. PRESIDENT: You must not make any personal reference.

Reverend B. A. NAG: I shall not make any personal reference, Sir. But have I ever seen any person voting against what Mr. J.N. Basu decides if he belongs to his party? Have I ever found even one person on that bench of what is styled the Nationalist Party under the leadership of another person voting against the decision of his leader? I know of one person who voted against him and he has been transferred from that bench to the bench there, and he may even be transferred to this place some day. Now the slavish following of an elected member of what they call their party is much more harmful, Sir, than a nominated member following the lead of Government. For I have myself voted against Government in the matter of their Excise policy, and I have voted against the Minister on other occasions, and I would like to know of any elected member voting against the decision of his party leader. I pause for a reply. Slaves ought not to throw stones at

others. That is what ought to be avoided. Sir, if nomination really adds to the independence of a party, I do not see any use in decreasing their number, and I therefore oppose this amendment.

Mr. NARENDRA KUMAR BASU: We have had two exhibitions in this House already of a sight for gods and men, *viz.*, a Nag painted by himself. What is the motion? Sir, we have already seen how a nominated member sees himself and his work (A VOICE: And others also) and his caricature of people of whom he is naturally jealous. But, Sir, the question now before the House is not whether this or that system is good, whether we need have nominated members in this House or the municipalities, but the sole question is what would be the proportion of nominated members in these municipalities. Sir, a few minutes ago the hallowed name of Sir Surendra Nath Banerjea was uttered in this House. Even in the Calcutta Municipal Act, out of 90 members there are only 10 nominated members, and in this Council out of 140 members, if you do not take into account the Government members, there are only 10 nominated members. Sir, the proportion in each case is very much lower than the one-fifth that this amendment asks for, and I see no reason why in these *mufassal* municipalities, after 50 years of existence, the proportion of nominated members should be more than one-fifth.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: As was pointed out by one of the hon'ble members, this House has already accepted the principle of nomination. Having accepted this principle, I think nomination should be retained to enable Government to nominate experts and to nominate minorities, and to provide adequate seats for them. There are certain municipalities where the maximum number of seats is 9, and what will be the one-fifth of 9, only one, so if this amendment is accepted, the number of nominated members of those municipalities would be reduced to only one, the irreducible one. So the amendment means nothing. The House has accepted that the minimum should be 9; the House has also accepted the principle of nomination. Now here is this proposal that the proportion of nomination should be reduced from one-fourth to one-fifth, but if it is done, then the number will be reduced to one in some cases. As I have said, if you accept the principle, accept it in an effective manner, and not merely for the sake of nomination. With these few words, I oppose the motion.

The motion of Maulvi Abdul Hamid Shah was then put and a division taken with the following result:—

AYES.

Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Nural Absar.
Fazlullah, Maulvi Muhammad.

Ghosh, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hoque, Kazi Emdadul.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Poddar, Seth Hunuman Prasad.
Ray, Babu Khetter Mohan.
Rout, Babu Nagendra.
Roy, Babu Jitendra Nath.
Roy, Babu Satyendra Nath.
Roy Choudhuri, Babu Hem Chandra.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Haresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Austin, Mr. J. M.
Bakeh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Birkmyre, Mr. H.
Blandy, Mr. E. H.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Allimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. D.
Das, Rai Bahadur Kamini Kumar.
Dutt, Rai Bahadur Satyendra Kumar.
Faroqui, the Hon'ble Nawab K. G. M.,
Forrester, Mr J. Campbell.
Gangali, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Henderson, Mr. A. C. R.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-uz-Zaman.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Mukherji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ordish, Mr. J. E.
Philpot, Mr. H. C. V.
Poddar, Mr. Ananda Mahan.
Rahman, Mr. A. F. M. Abdur-
Rai Mahasai, Munindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Reid, the Hon'ble Mr. R. N.
Ray, Babu Haribansa.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Ray, the Hon'ble Mr. Bijoy Prasad Singh.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarkar, Babu Besed Bihari.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. B. R.
Sen, Mr. Girie Chandra.
Sen, Rai Sahib Akshoy Kumar.
Sulaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

The Ayes being 21 and the Noes 71, the motion was lost.

Adjournment.

The Council was then adjourned till 3 p.m., on Friday, the 12th August 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 12th August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 109 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Realisation and allocation of the proceeds of the tax under the Bengal Motor Vehicles Tax Act.

*45. **Mr. S. M. BOSE:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) the amount realised under the Bengal Motor Vehicles Tax Act, 1932, after the 1st July, 1932, in the Calcutta area and also in other areas in Bengal;

(*ii*) what arrangements have been made to allocate the proceeds of the tax realised under the above Act among the local authorities;

(*iii*) whether any applications have been received from any local authority for share in the tax;

(*iv*) whether any allocation, and if so what, has been made of the proceeds of the tax to any, and if so, to what local authority; and

(*v*) on what basis the allocation of the proceeds of the tax has been or will be made to the various local authorities?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*i*) A statement is laid on the table.

(*ii*) None as yet.

(*iii*) and (*iv*) No.

(*) The member is referred to the reply given to starred question No. 41 put by Maharaja Jagadish Nath Ray, of Dinajpur, at this session.

Statement referred to in the answer to clause (i) of starred question No. 45.

AMOUNTS REALISED UNDER BENGAL MOTOR VEHICLES TAX ACT, 1932.

	Up to end of June.		From July 1st to July 21st.		Total.	
	Rs.	as.	Rs.	as.	Rs.	as.
Calcutta ..	4,42,758	14	90,609	7	5,33,368	5
Other areas ..	85,736	13	44,393	5	1,30,130	2
Total ..	5,28,495	11	1,35,002	12	6,63,498	7

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state when the allocation of the taxes is likely to be made among the different local bodies?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: As I said yesterday, there will be a meeting of the Provincial Road Board on the 3rd September next, and I propose to discuss the question then.

Rai Bahadur KESHAB CHANDRA BANERJI: Of the amount of Rs. 1,35,002-12, will the Hon'ble Minister be pleased to state how much has been realized from the district of Dacca, including the municipalities of Dacca and Narayanganj?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I want notice.

Coolies in the Ashuganj station of the Assam-Bengal Railway.

***46. Maulvi SYED OSMAN HAIDER CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that there are only 38 coolies in the Ashuganj station of the Assam-Bengal Railway?

(*b*) Is it a fact that the number is too inadequate to meet the demand of this station of commercial importance?

(*c*) Are the Government considering the desirability of drawing the attention of the railway authorities to this matter?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) Yes.

(*b*) In the opinion of the Railway authorities this number is quite sufficient to deal with the normal traffic without inconvenience to passengers.

(*c*) The question does not arise.

Rai Bahadur SATYENDRA KUMAR DAS: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether the number of coolies specified is solely used for carrying passengers' luggage?

The Hon'ble Mr. J. A. WOODHEAD: I must ask for notice.

Retirement of officers.

*47. **MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state—

(*i*) whether the Government of India have issued a circular or notification regarding the retirement of officers on reaching the age of 55; and

(*ii*) what is the nature and purpose of the circular?

(*b*) Will the Hon'ble Member be pleased to lay a copy of the same on the table?

(*c*) Is it a fact that officers of superior grades are being allowed extension after they have reached the age of 55 on various pleas?

(*d*) How many officers of superior grades of Government service in various departments under the Government of Bengal have been allowed such extension of service during 1931-32?

(*e*) How many applications for extension by officers of superior grades are at present pending before the Government for their consideration?

(*f*) Will the Hon'ble Member be pleased to state whether the granting of such extensions is consistent with the policy of retrenchment laid down by the Government of Bengal and the Government of India?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state whether such extensions are being granted in the case of subordinate services? If not, why not?

(*h*) Is it a fact that the Government employees on completion of 25 years' service will be asked to retire shortly?

(i) If the answer to (h) is in the affirmative, will the Hon'ble Member be pleased to state whether Government contemplate taking new hands in the vacancies created by the retirements?

(j) Will the Hon'ble Member be pleased to state whether there is any proposal for optional retirement?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (a) (i) No such circular or notification has been received from the Government of India.

(ii) Does not arise.

(b) Does not arise.

(c) Yes, if the interests of the public service require an extension to be granted.

(d) 19.

(e) 2.

(f) Extensions are not inconsistent with the policy of retrenchment.

(g) Yes.

(h) Government have no such proposals under consideration at present.

(i) Does not arise.

(j) No.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether it is contemplated to make some members of the Cabinet retire, as has been done in the Government of Bombay, for the purpose of retrenchment?

The Hon'ble Mr. J. A. WOODHEAD: I must ask for notice.

Rai Bahadur SATYENDRA KUMAR DAS: With reference to answer (d), will the Hon'ble Member be pleased to state the names of the 19 officers, and the reasons for giving them an extension?

The Hon'ble Mr. J. A. WOODHEAD: I must again ask for notice.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to answer (f), will the Hon'ble Member be pleased to state whether or not it is a fact that if such extensions are not granted, considerable saving might be effected by appointing officers in the lowest scale of pay?

The Hon'ble Mr. J. A. WOODHEAD: There will be an immediate saving, but the ultimate effect will be an increase in expenditure.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether in the matter of retirement of officers the policy of Government is the same as before, or whether there has been any change?

The Hon'ble Mr. J. A. WOODHEAD: I know of no change.

Bridge over the Dholai khal.

***48. Rai Bahadur SATYENDRA KUMAR DAS:** With reference to the reply given to starred question No. 76 at the Council meeting held on the 23rd February, 1932, will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) whether the estimate for the bridge over the Dholai khal has been sanctioned; and

(*ii*) whether allotment of funds will be made this year at least for the land acquisition proceedings?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*i*) Yes.

(*ii*) Orders sanctioning an advance of Rs. 30,000 towards the project issued on 3rd August, 1932.

High English school for girls, Bankura.

***49. Babu SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that there is no high English school for girls in the district of Bankura;

(*ii*) that it is considered that Bankura is healthier than many parts of Bengal; and

(*iii*) that the want of a high English school for girls is proving an obstacle on the way to the spread of female education in the district?

(*b*) If the answers to (*a*) (*i*), (*ii*) and (*iii*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government are taking or contemplate taking for starting such an institution?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) (*i*), (*ii*) and (*iii*) Yes.

(*b*) As soon as the financial condition of the province improves, Government would be prepared to give encouragement to schemes for the establishment of high schools for girls at district headquarters.

Holdings and tenures under Khas Mahal, Noakhali.

*50. **Babu HEM CHANDRA ROY CHOUDHURI:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the years 1929-30, 1930-31, 1931-32, respectively—

(i) the number of holdings and tenures under *khas mahal*, Noakhali, purchased on behalf of the Government; and

(ii) the number of estates and tenures advertised for sale for default of March *kist* revenue of the years 1929, 1930, 1931 and 1932 respectively?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (i) and (ii) A statement is laid on the table.

Statement referred to in the answer to clauses (i) and (ii) of starred question No. 50.

The number of holdings and tenures in the Noakhali *khas mahal*, purchased on behalf of Government during—

1929-30	22
1930-31	29
1931-32	78

The number of estates and tenures advertised for sale at Noakhali on failure to pay arrears in March—

1929	207
1930	406
1931	564
1932	883

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state whether this increase in the number of holdings and tenures purchased on behalf of Government is due to the prevailing distress among the *khas mahal* tenants in Noakhali?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not sure if the number has increased, but it is perfectly well known that there is great economic stringency.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to refer to the statement which shows that number of holdings and tenures in the Noakhali *khas mahal* purchased by Government has been as follows:—

1929-30	22
1930-31	29
1931-32	78

Does not this statement show that such sales have greatly increased?

The Hon'ble Sir PROVASH CHUNDER MITTER: As regards actual sales of the revenue-paying estates of the province as apart from mere defaults, the figures of 1931-32, as compared with previous figures, do not show large increase. As regards defaults, there has undoubtedly been a big increase.

Khan Bahadur MUHAMMAD ABDUL MOMIN: May not the reason for this increase be due to diluvian?

The Hon'ble Sir PROVASH CHUNDER MITTER: Possibly, but I must ask for notice.

Babu HEM CHANDRA ROY CHOUDHURI: Is the Hon'ble Member aware that the interest accruing on the arrears of revenue paid by the *khas mahal* tenure-holders is not remitted?

The Hon'ble Sir PROVASH CHUNDER MITTER: Tenure-holders pay rent and not revenue.

R. K. Zilla School building, Noakhali.

*51. **Babu HEM CHANDRA ROY CHOUDHURI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the R. K. Zilla School building, Noakhali, has been washed away by river?

(*b*) Do the Government propose to build a new house for the school?

(*c*) If so, when, where and at what cost?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the present number of students of the school;

(*ii*) average monthly cost borne by the Government for its maintenance?

(*e*) Is the Hon'ble Minister aware that there are two other high English schools in the town?

(*f*) Is the Hon'ble Minister aware that there is a feeling among the Noakhali public that the sum of money spent for the Zilla School may be better utilised if it be distributed among the non-Government high English schools of the district?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes.

(*b*) and (*c*) The matter is under consideration.

(*d*) (*i*) 202 on 8th July, 1932.

(*ii*) Rupees 1,045-8 per mensem in 1931-32 from provincial revenues (excluding receipts from fee income and other sources).

(*e*) Yes.

(*f*) Government have no information as to the existence of such a feeling; on the contrary, during the recent visit of the Director to Noakhali, the only request received by him was that the Zilla School should not be abolished.

Babu HEM CHANDRA ROY CHOUDHURI: Is the Hon'ble Minister aware that the grants-in-aid to private schools has been reduced?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Very likely as a matter of general policy of retrenchment.

Babu HEM CHANDRA ROY CHOUDHURI: Is the Hon'ble Minister aware that many private schools are suffering for want of sufficient funds?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I know that full well.

Babu HEM CHANDRA ROY CHOUDHURI: With reference to answer (*f*) is the Hon'ble Minister aware that the requests made to the Director of Public Instruction are due to the belief that the money saved by the abolition of the Zilla School may be utilised for other purposes?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No. (Laughter.)

Tax for motor vehicles using Comilla-Daudkandi and Comilla-Choudhagram roads.

***52. Maulvi SYED OSMAN HAIDER CHAUDHURI:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the Executive Engineer has closed vehicular traffic through the Comilla-Daudkandi and the Comilla-Choudhagram roads from the 15th June to the 15th October, 1932?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of exempting the motor vehicle owners from payment of tax for this period?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) Yes; but from 15th July, not 15th June, and until 31st October.

(*b*) No; sub-section 3 of section 4 of the Motor Vehicles Tax Act will be applied to any car not used in consequence.

Rai Bahadur SATYENDRA KUMAR DAS: With reference to answer (*a*) will the Hon'ble Minister be pleased to state the reasons for the closing of two such important roads for such a pretty length of time?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The Comilla-Daudkandi road was reported to be in a dangerous state and that a bridge at Barkanta required to be rebuilt.

Realisation of tax under the Bengal Motor Vehicles Tax Act.

***53. Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state what steps are being taken to realise the taxes under the Motor Vehicles Act, 1931?

(*b*) Will the Hon'ble Minister be pleased to state what sum has been collected under the same Act in Bengal up to June, 1932?

(*c*) Will the Hon'ble Minister be pleased to state whether any contribution is being made to the municipalities, district boards, local boards and union boards out of the motor tax collection?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of the Government to take steps to secure a reasonable portion of the motor tax for the local bodies for the improvement of roads?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) The steps taken in Calcutta have been as follows:—

Several notices were published in the newspapers calling on the owners of cars to pay the taxes before the 30th of June. The officers of the Motor Vehicles Department have examined cars during their rounds each evening; notices have been served on the owners of those

found without "tokens," giving seven days within which to take necessary action. Prosecutions are being instituted when the notices are not obeyed; on August 8th, 29 prosecutions were pending and 37 cases were waiting for expiry of notice.

Outside Calcutta no special steps have been taken generally beyond the issue of notices.

(*b*) Rupees 5,28,485-11 up to the end of June.

(*c*) Not yet.

(*d*) The member is referred to the reply given to starred question No. 41 put by Maharaja Jagadish Nath Ray, of Dinajpur, at this session.

Applications of landlords for making over their estates under the management of Court of Wards.

*54. **Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether he is aware that proprietors of several estates are willing to place their estates under the management of Court of Wards?

(*b*) Is there any limit of income fixed below which the Government do not take over the management of an estate under the Court of Wards?

(*c*) Are the Government considering the desirability of issuing instructions to the Board of Revenue, Commissioners of Divisions, Collectors of districts for considering favourably the applications of landholders for making over their estates for management under the Court of Wards?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) No.

(*c*) The matter is under the consideration of the Board of Revenue and Government.

Dr. NARESH CHANDRA SEN GUPTA: Does the Government contemplate converting the *zamindars* into pensioners of Government on a larger scale?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not aware of such intention.

Classification of prisoners.

*55. **Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that persons who were placed in division I or II in 1930-31 have now been placed in division III npon conviction for similar offences in connection with the civil disobedience movement?

(*b*) Have the following prisoners been so classified:—

Dr. Nibaran De Sarkar of Abhay Asram, Comilla,

Prafulla Chandra Sen of Arambagh,

Niren Dutta of Bogra,

Benoy Kumar Basu of Calcutta,

Narayan Chandra Lahiri of Calcutta,

Gopika Bilas Sen of Birbhum, and

Haripada Chatterjee of Krishnagar?

(*c*) If so, why?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) and (*b*) Only those cases in which the trial court, the stipendiary Presidency Magistrate or the District Magistrate recommends for classification in division I or II come before Government. The cases where the prisoner is placed in division III by any one of the above authorities do not come before Government unless the prisoner files an application for revision of classification. It appears that Haripada Chatterjee of Krishnagar was recommended for division II by the trying Magistrate and the recommendation was accepted. In the other cases mentioned no recommendation for classification under division I or II was received. It is, however, possible that there are cases in which some of the authorities trying cases in different parts of the province placed in division III prisoners who were placed in a higher division in 1930-31, but in the absence of petitions from the prisoners concerned it is not possible either to re-classify them or to answer more definitely the general allegation contained in a portion of question (*a*).

(*c*) Does not arise.

Dr. NARESH CHANDRA SEN GUPTA: Do I understand that it is not the practice of the magistracy while classifying prisoners to refer to the previous conviction of the offenders?

The Hon'ble Sir PROVASH CHUNDER MITTER: The practice of Magistrates is to take all relevant facts into consideration, and pass orders for classification accordingly.

Dr. NARESH CHANDRA SEN GUPTA: Have the Government taken any steps to bring to the notice of Magistrates that the previous records of offenders should be considered?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes.

3-15 p.m.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state if in all these cases the Magistrates recommended that the prisoners should be placed in division III?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, except in the case mentioned.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state why in the case of Haripada Chatterjee the division has been reduced from II to III?

The Hon'ble Sir PROVASH CHUNDER MITTER: He has not been reduced. You will see that from the answer.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether Government interfere with the recommendations of the trying Magistrates and reduce the division from higher to lower?

The Hon'ble Sir PROVASH CHUNDER MITTER: Very seldom, but occasionally they do it.

Tornado incident at Mymensingh.

***56. Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether the Government were approached by any non-official members of this Council or any responsible outsiders for permission for the purpose of holding an inquiry into the tornado incident at Mymensingh?

(*b*) If so, was the permission granted? If not, why not?

(*c*) Will the Hon'ble Member be pleased to state whether the Government have held any inquiry into the matter?

(*d*) If so, has any report been published?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Only one personal letter was received by the Member in charge of the department from an M.L.C. in which the M.L.C. asked that he personally should be permitted to inquire into the conduct of certain "local authorities". No other letter or representation was received either by Government or by the Member in charge of the department.

(*b*) The Member in charge of the department in reply to the letter explained in his personal letter why he could not accede to the request. According to the information available to Government it was neither necessary nor desirable to allow a particular individual to hold an inquiry about the conduct of the "local authorities," which expression, according to the context of the letter, referred specifically to an officer who was not an officer of the Jail Department.

(*c*) Investigation on the spot was made by the District Magistrate, the Divisional Commissioner, the Superintending Engineer, the Inspector-General of Prisons, Bengal, and the Chief Engineer, Public Works Department. Reports were also received from all these officers.

(*d*) *Communiques* about the incident were published.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether that particular M.L.C. did not ask the Hon'ble Member to make an inquiry himself, or, in the alternative, to give him an opportunity to make an inquiry?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice. I do not remember all the facts.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether this reply was drafted without reference to that letter?

The Hon'ble Sir PROVASH CHUNDER MITTER: It was drafted after reading that letter, although it was a private letter; but I cannot carry all the facts in my head.

Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Member be pleased to state what are the reasons for which the reports mentioned in answer (*c*) were not published?

The Hon'ble Sir PROVASH CHUNDER MITTER: There was no reason for publishing those reports. The *communiques* gave the relevant facts.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Can a question be put on the basis of a personal letter written by a member of the Council to a member of Government? On a previous occasion this was ruled out of order by you.

The Hon'ble Sir PROVASH CHUNDER MITTER: I also protest, Sir. During the 16 years that I have been in the Legislative Council and during my 8 years' experience as a Member of Government there was hardly any occasion when a question was put on the basis of a private letter. If this sort of things is allowed then we shall have to be very careful in the future in dealing with such letters.

Dr. NARESH CHANDRA SEN GUPTA: On a point of personal explanation, Sir. Certain statements have been made by the Hon'ble Member which I strongly resent. The writer of the letter was myself. I did not ask Maulvi Nur Rahman Khan Eusufji to put his question on the basis of that letter.

Mr. PRESIDENT: I ruled that there was no rule which prevented a member from asking a question on the basis of a private letter which he might have addressed to a member of Government, although such a practice should not be encouraged, but in my opinion it will be nothing short of a breach of faith if a member in putting questions made use of a reply which might have been sent to him confidentially by a member of Government. Of the two, the latter is more reprehensible. It is in any case unparliamentary for a member to make use of private letters at a meeting of the Council.

Libraries.

***57. MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the particulars as to the nature of Local Government publications distributed to the libraries during the last five years?

(*b*) Are the Government considering the desirability of distributing all publications of public interest and useful reading to the libraries?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) The precise intention of the question is not understood, but, if the member wishes to know what publications were distributed to the different libraries in the province during the last five years, Government regret that they are not prepared to undertake the laborious inquiry which the compilation of such information would involve.

(*b*) No.

MUNINDRA DEB RAI MAHASAI: With reference to reply (*a*) will the Hon'ble Minister be pleased to state whether the number is so extraordinary as to require a laborious inquiry, or is it so insignificant that it would be ridiculous to compile this information?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I consider that it does require a laborious inquiry to compile this information.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state what is the policy of Government with regard to the distribution of important publications to the libraries of the province?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I ask for notice.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister consider the desirability of entrusting the Rai Mahasai with this inquiry? (Laughter.)

MUNINDRA DEB RAI MAHASAI: With reference to answer (*b*) will the Hon'ble Minister be pleased to state the reason for considering it undesirable to distribute important publications to the libraries?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (Answer inaudible in the reporters' table.)

Recruitment of Muhammadan constables in Bakarganj.

***58. Maulvi MUHAMMAD HOSSAIN:** Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing—

(*i*) the number of constables recruited in the district of Bakarganj; and

(*ii*) how many of them are Muhammadans?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*i*) and (*ii*) A statement is laid on the table. As no period has been specified, the figures for the year 1931 have been given.

Statement referred to in the answer to clauses (i) and (ii) of starred question No. 58, showing the number of constables recruited in the district of Bakarganj during 1931.

Total number recruited—146.

Muhammadans—11.

Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Member be pleased to state whether these constables were recruited from amongst the inhabitants of Bengal or from outsiders?

The Hon'ble Mr. R. N. REID: I ask for notice.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Process-servers.

27. Babu SUK LAL NAG: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government have considered the resolutions passed by the Bengal process-servers' twelfth annual conference held at Barisal on the 27th December last?

(*b*) If so, will the Hon'ble Member be pleased to state what action, if any, the Government intend to take on them?

(*c*) When may the process-servers expect to receive a reply in the matter?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) Yes.

(*b*) Action has been taken wherever it appeared by Government to be called for and feasible.

(*c*) The Association asked for no reply in their forwarding letter.

Dacoities in Khulna.

28. Babu SUK LAL NAG: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the years 1929, 1930 and 1931—

(*i*) the number of dacoities reported to have been committed in the district of Khulna;

(*ii*) how many of them ended in the conviction of the accused persons; and

(*iii*) how many of the cases were detected by the River Police?

The Hon'ble Mr. R. N. REID: (*i*), (*ii*) and (*iii*) The information is contained in the statement laid on the table.

Statement referred to in the answer to clauses (i) to (iii) of unstarred question No. 28, showing the number of dacoities reported to have been committed in the district of Khulna during 1929, 1930 and 1931, the number of cases which ended in conviction and the number of cases detected by the River Police.

Year.	Number of dacoities reported.	Number of cases which ended in the conviction of accused persons.	Number of cases detected by the River Police.
1929	13	2	Nil.
1930	31	2	Nil.
1931	66	8	Nil.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state what is the reason of such abnormal rise in the number of dacoities from 13 in 1929 to 66 in 1931?

The Hon'ble Mr. R. N. REID: Probably due to economic depression, I should think.

Mr. P. BANERJI: Is it due to the inefficiency of the police or to the seizure of guns from the villagers?

Mr. MUKUNDA BEHARY MULLICK: Will the Hon'ble Member be pleased to state how many of these dacoity cases have been detected during the year?

The Hon'ble Mr. R. N. REID: I want notice.

Income of the Registration Department since the Bengal Tenancy Act came into force.

29. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to lay on the table a statement showing—

(*i*) the gross income of the Registration Department since the Bengal Tenancy Amendment Act, 1928, came into force;

(*ii*) the gross income of the preceding three years, year by year, in each district;

(*iii*) the reasons that led to the fall in income in each district?

(*b*) Has it been ascertained that the effect of the Bengal Tenancy Act, 1928, is one of the chief reasons that led to the fall in income of the department?

(*c*) If the answer to (*b*) is in the affirmative, what action, if any, have the Government taken for the modification of the Act?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) (*i*) and (*ii*) A statement is laid on the table.

(*iii*) Trade depression and economic conditions generally.

(*b*) No: this is not believed to be one of the chief reasons.

(*c*) Does not arise.

Statement referred to in the answer to clause (a) (i) and (ii) of unstarred question No. 29.

GROSS RECEIPTS.

	Rs.
1929	35,32,293
1930	27,07,013
1931	19,53,906

District.	1926.	1927.	1928.
	Rs.	Rs.	Rs.
Burdwan	1,30,153	1,43,627	1,37,466
Birbhum	70,907	73,844	68,066
Bankura	60,615	66,774	63,290
Midnapore	2,38,236	2,38,478	2,31,596
Hooghly	70,771	79,593	70,642
Howrah	78,630	87,445	79,605
24-Parganas	2,91,543	2,95,998	2,94,406
Calcutta	2,55,559	3,07,914	2,64,779
Nadia	68,520	68,385	70,558
Murshidabad	64,787	67,993	67,276
Jessore	1,35,755	1,37,166	1,29,890
Khulna	1,51,616	1,46,883	1,44,826
Dacca	2,45,634	2,34,294	2,40,630
Mymensingh	3,71,436	3,84,320	4,29,663
Faridpur	1,51,130	1,38,759	1,39,341
Bakarganj	3,28,479	3,12,113	3,35,687
Chittagong	1,76,753	1,75,810	1,58,531
Noakhali	1,81,362	1,85,836	1,95,731
Tippera	2,53,753	2,32,499	2,30,658
Rajshahi	65,414	68,767	67,240
Dinajpur	1,02,992	1,13,216	1,07,820
Jalpaiguri	42,510	47,215	48,286
Rangpur	1,43,156	1,62,864	1,72,231
Bogra	1,04,509	1,03,078	1,01,256
Pabna	78,573	76,115	80,546
Malda	47,578	51,755	49,219
Darjeeling	8,264	7,652	8,323
Total ..	39,19,735	40,06,373	39,85,562

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state what are the figures district by district of the additional landlords' fees?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want notice.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister, on the basis of the figures of the landlords' fees, consider the desirability of representing to the Revenue Department the necessity of decreasing the landlords' fees?

(No answer.)

Babu JITENDRALAL BANNERJEE: With reference to answer (*b*) will the Hon'ble Minister be pleased to state whether the answer is based on information received by the Hon'ble Minister or it is his opinion?

(No answer.)

Babu JITENDRALAL BANNERJEE: What are the facts on which he bases this opinion?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: On observation.

Babu JITENDRALAL BANNERJEE: I wanted facts. Does the Hon'ble Minister mean to say that observation is the same as facts? Will the Hon'ble Minister be pleased to state whether there has been a progressive decline in the income of the department since 1928 when the Bengal Tenancy Act was passed?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I do not agree with the hon'ble member that the decline in income was due to the passing of the Bangal Tenancy Act.

Babu JITENDRALAL BANNERJEE: That is not an answer to my question.

Mr. PRESIDENT: You cannot argue.

Babu JITENDRALAL BANNERJEE: When the answer does not touch the point of the question at all, I shall repeat the question.

Mr. PRESIDENT: That question has been answered. But if you are not satisfied with the answer you might put a supplementary question if you like.

Babu JITENDRALAL BANNERJEE: When the question has been imperfectly heard or understood, cannot we repeat the question?

Mr. PRESIDENT: Order, order. How can you now say that it was imperfectly heard?

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether any inquiry has been made as to what extent the imposition of the landlords' fees has been responsible for the decrease in income of the Registration Department?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No inquiry has been made.

Khan Bahadur Maulvi AZIZUL HAQUE: Will he consider, in view of the feeling in this House and outside, the desirability of making an inquiry?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I cannot make a definite promise.

Cadastral survey operations in Bengal.

30. Maulvi ABDUL HAKIM: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether cadastral survey operations have been finished in all the districts of Bengal?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state—

(*i*) in how many districts the operations have not yet been finished; and

(*ii*) when the operations are likely to be finished in the remaining districts?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) No.

(*b*) (*i*) Major survey and settlement operations are going on in 24-Parganas, Burdwan-Hooghly, Malda and Rangpur; those in Chittagong are nearly finished. Operations have not been started in Howrah and Dinajpur.

(*ii*) It is not possible to say since Howrah and Dinajpur have been postponed indefinitely.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member be pleased to state on what grounds the settlement operations in Howrah and Dinajpur have been postponed?

The Hon'ble Sir PROVASH CHUNDER MITTER: On financial grounds.

Conditions for grants to union boards by district boards for anti-malarial purposes.

31. Maulvi TAMIZUDDIN KHAN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the conditions attached by Government to grants made by district boards to union boards for "anti-malarial purposes"?

(*b*) Is it a fact that the union boards receiving such grants are required to register themselves under the Co-operative Societies Act?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) Under section 45 of the Bengal Village Self-Government Act a district board may make such grant to a union board as they may think fit and may attach to the grants any such conditions as may appear to them desirable.

Government lay down no condition as regards district board grants.

(*b*) No.

GOVERNMENT BILL.

[The discussion on the Bengal Municipal Bill, 1932, was then resumed.]

Clause 15—contd.

Babu AMULYADHAN RAY: Sir, I beg to move that in clause 15, in line 3, after the word "one-fourth" the words "of which one-third shall be from the depressed classes" be inserted.

Sir, the history of half a century of the administration of the municipalities in Bengal, the deliberate opposition, the defiant and unsympathetic attitude exhibited towards the depressed class candidates for election or nomination (question) by the remainder of the Hindus—sometimes jeering, cheering and mocking at our candidates howsoever worthy and qualified they may be, and the idea of concentrating all political power in the hands of those who have been enjoying the same to the exclusion of the millions of people who have been shut out of the

administration of the country and the management of her affairs, have led us to claim separate representation in every branch of the administration—in the legislature and in all local self-governing bodies.

3-30 p.m.

Sir, with all politeness and in all humility, only the other day, I submitted before the hon'ble members of this House that in a country where separate legislation is required between man and man, debarring many castes of the Hindus from entering the Holy Temple of God—Jaggannath—at Puri, where mutual distrust between community and community plays a most important part, where boarding houses and hostels bearing the name of Hindu boarding houses and Hindu hostels, maintained by public revenues, do not find a place for all classes of Hindus, where political rights and political privileges advocated and secured in the name of Hindus are enjoyed only by a certain section of them, special provision for the protection of political rights of the depressed classes is the only remedy and I thank God that a separate Council Chamber has not been made for us! Whenever we have set up our candidates for election or for nomination to the municipal board, invariable opposition with rare exceptions has been made by those who cannot survive even for a moment but for their politics and who are afraid of their political influence passing into the hands of others. Remember, gentlemen, that the more obstruction you offer to the realization of their political aspirations, the more opposition you will get, and a time will come when you will cease to talk in the name of the country and in the name of the people. If you be farsighted statesmen with broad and impartial outlook take them in your confidence by your actions.

Mr. PRESIDENT: Order, order. You must address your remarks to the Chair and not to any member of this House.

Babu AMULYADHAN RAY: What I am submitting before the House is not from a theoretical point of view, but from that of a practical difficulty. What I am saying is not out of hatred or grudge to my brethren of the caste Hindus, but out of sympathy for these millions of people—call them depressed; call them oppressed or suppressed, call them backward, call them in whatever name you like to call them. Look at the municipalities of Bengal! during the last 48 years from 1884 to the year 1932, the depressed classes have not been represented in any one of them. Go to the area inhabited by the members of depressed classes. Compare and contrast it with the area inhabited by those who carry on the administration of the municipalities. I have personal experience of the administration of several municipalities in Bengal and out of hundreds of cases of injustice, of unfair treatment

meted out to those classes, I will pick out the case of only one municipality—the municipality of Bally. To this municipality I am paying a large amount of taxes and the ward in which I am interested is Ward No. 4, mainly inhabited by depressed classes. That ward contributes a larger amount to the municipal fund than any other ward, and, curiously enough, it suffers from the largest and the greatest of disadvantages in regard to sanitation, education, maintenance and construction of roads and drainage. The hard-earned money of the ratepayers of Ward No. 4, known as Ghoosuri, is spent by the commissioners at Bally just as the Norman Kings on the throne of England did spend England's money on the soil of France. All these are due to want of representation of the members of the depressed classes on the municipal board. Without any special provision for their representation, their rights and interests will not be protected, but will be affected adversely and without any special provision of law, that representation will not be secured. Take the cases of Jessore, Khulna and Bally municipalities during times of election and nomination; I told the House the other day that generally speaking the caste Hindus, in all the districts of Bengal with rare exceptions and with the exception of a few gentlemen, in the district of Jessore, could not as yet shake off their caste prejudices which are reflected in political matters and in election and nomination. I myself was a candidate for election to the Bally Municipal Board and there are still so many voters in my confidence that one commissioner could be, and still can be, returned without any help from outside, but propaganda was started against me by the so-called gentlemen of the locality on account of caste only and I could not succeed in the election, nor could I secure nomination. Let us come to the municipality of Jessore. A doctor from the depressed classes was a candidate for election to the Jessore Municipality and he met with the same fate. Co-option is the rule in that municipality and co-option as we have found from experience is worse than nomination. If nomination, according to our hon'ble friend, Babu Satyendra Nath Roy, is the subdivisional officer's nomination, then co-option is the co-option of those gentlemen who are crying and crying for them in the name of the country, and win the battle with the help of the people but divide the booty among themselves. The doctor candidate could not make any room for himself in co-option even, co-option by those gentlemen who reigned supreme in politics. Lastly, I come to the Khulna Municipality. Many lawyers and educated gentlemen from the depressed classes live within the Khulna Municipality. A lawyer from the depressed classes was twice a candidate for election to the municipal board. But, Sir, the invariable result which follows the fate of the depressed class candidate elsewhere followed him here without the least wavering. He tried nomination to the best of his ability, but the Khulna Municipal Board being narrow in their political vision like my brethren of the caste Hindus (elsewhere) could not make any

room for him on account of the gentlemen who were at the helm of affairs then. Sir, such instances are not rare, but many: Sir, I do not like to take up the time of the House by multiplying them. In the 117 municipalities in Bengal, since 1884 down to the year 1932, the depressed classes could not send a representative to a municipality and they will have no representation on the municipal board of Bengal and unless special provision is made their rights and privileges will continue to be affected in the future as they have been affected in the past.

Rai Sahib SARAT CHANDRA BAL: I stand to support the amendment by my hon'ble friend, Mr. Amulyadhan Ray. Sir, in the first place the question is whether there are depressed classes in Bengal? If the answer be in the affirmative, the next question is whether the depressed class people can justly demand a share of nomination. If so, then the question is whether any legislation to that effect is at all necessary or not. Sir, in the Census Report of 1921 we have got a list of depressed classes of Bengal and also we find in section 7 of Regulation IV of 1809 that some 17 castes including Jogi, Namasudra, Rajbanshi and Bhuimali were debarred from entering the temple of Jaggannath at Puri and why—because I think the so-called caste Hindus in the name of Jaggannath induced the Governor General in Council to pass Regulations on the 28th of April, 1809, debarring those castes from entering the temple. Sir, there are separate hostels for the students of the depressed classes of Bengal and there are societies for the improvement of the backward classes in Bengal. Even the Bengal Government have got a list of backward classes. Sir, from the Census Report of 1932 we find that there are some 71 castes in Bengal who satisfy the tests by which the depressed classes of Bengal may be distinguished from the caste Hindus. Sir, in this connection I wish to mention some of the tests. Sir, the depressed classes are not allowed to enter into public Hindu temples, such as the temple of Jaggannath at Puri, Kali Temple in Calcutta. Secondly they are not allowed to take meals from public eating places maintained by orthodox Hindus. Not only these, Sir, the barbers who will gladly shave a Muhammadan or a Christian will not shave a depressed class man. Not only these, there are other social disabilities. In view of the above facts Mr. B. C. Chatterjee or Mr. J. L. Bannerjee may say that there are no depressed classes in Bengal—even the nationalist Hindus will cry at the top of their voice that there are no depressed classes in Bengal. But, Sir, the facts remain. If we accept that there are depressed classes in Bengal the next question is whether these classes have got their elected representatives in municipalities. Sir, it is a plain truth that in every municipality there are depressed class people but without any representative, and the so-called leaders in the name of nationalism will not care to provide for any representative of that class in

municipalities. As a result they suffer from the tyranny of the majority. As they are depressed classes, as they are not represented in municipalities and as citizens they have a share in the administration of the country and as they have hitherto been deprived of their legitimate share by their countrymen, they can justly claim to have a share in nomination, and the proposal of Mr. Ray demanding only one-third or one-fourth of the total number of commissioners is a very modest one. Sir, our present Minister is a true friend of the depressed classes and so long he is at the head of municipal affairs, I believe the depressed classes will not be in trouble. But, Sir, he must make room for other Ministers and a time may come when leaders like Mr. B. C. Chatterjee and Mr. J. L. Bannerjee may be Ministers in charge of Local Self-Government. Sir, then what will be the lot of these depressed classes? We have suffered much in the past; so I wish to guard our interest by legislation, and I think the amendment of Mr. Ray will serve that object. With these few words I support the amendment of Mr. Ray.

Maulvi ABDUS SAMAD: I strongly oppose the amendment which my friend, Babu Amulyadhan Ray, has moved, that one-third of the nominated seats should be reserved for the depressed class Hindus. The depressed class Hindus certainly do not form a distinct community; they are part and parcel of the Hindu community and if they labour under disadvantages on account of their social status, they should move in the matter and agitate so that those disadvantages may be redressed. At the present stage I may say, Sir, their grievances as regards social qualifications have almost disappeared. Now, Sir, fixing certain nominated seats for the depressed class Hindus means so much loss to the Mussalman community, because the Mussalman community have got their depressed class as well. The labourers, the artisans, the agriculturists, the butchers, the coachmen, the cartmen—they all occupy a position analogous to the depressed class Hindu. Nobody has yet made an attempt to ameliorate their condition. In urban areas, specially, butchers, cartmen, coachmen play a very important part in the civic life of the town and their contribution to the municipal fund is not very negligible. So why should there be no provision made to represent their interest? As a matter of fact no provision is made to safeguard the interest of these people who are the backbone of a municipal town. So, no invidious distinction should be made in the matter of nomination. But, of course, I would have supported gladly my friend's amendment if it was to the effect that members of the backward classes, both from the Hindus and Muhammadans, should be represented by nomination. So, I oppose this amendment.

Rai Bahadur Dr. HARIDHAN DUTT: While I have every sympathy for the feelings which have been expressed by Mr. Amulyadhan

Bay, I cannot accept his proposal of putting these words in the statute. He wants one-third of the nominated members to be nominated from the depressed classes. May I inquire if this is followed in such places where there is no depressed class what will be its effect? So, while I sympathise with him in his desire to secure representation of the depressed classes he should not insist upon this being made statutory by an addition to section 15. In this connection I am really surprised to hear that amongst the Muhammadans there are, according to my friend, Maulvi Abdus Samad, some who are classed as depressed. I knew that the Muhammadan community was very democratic and that a Nawab's daughter could be married to the son of a butcher. That was a compliment which we paid to our Muhammadan friends. Now we have a representative of that community telling us that there are depressed classes amongst the Muhammadans. However, I have nothing to do with that. Before I resume my seat I want to draw the attention of my friend, the mover, to an amendment which is likely to come up in a few minutes where I have suggested some solution. I simply draw my friend's attention to the fact that his purpose may be served if the proposal which I shall presently place before the Council to have Government nomination partially restricted to the interests of backward and labouring classes be passed.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I have listened with rapt attention to the eloquent speech of the mover of this amendment. He proposes that one-third of the nominations to the municipalities should be reserved for the depressed classes irrespective of the fact whether the depressed classes form one-third of the population or of the ratepayers or not. I think this is a proposition which Government can never accept. Government has never been unsympathetic towards the depressed classes, has never been forgetful of their interests and in making nominations to the local bodies have duly considered their claims. There is a provision in clause 17A for reservation of seats which I shall presently move for important minorities in the municipalities. That, I think, will safeguard the interests of the important depressed classes, if they form important minorities in a municipality. If they do not form an important minority, then their interests must be safeguarded by nominations. This much I can say that the present Government will certainly try to accommodate the depressed classes and will see that their interests are properly represented, if not by elections by nominations as far as is equitably possible. It is neither fair nor just that one-third of the nominations should be reserved for a particular community irrespective of the fact whether they form one-third of the voters or one-third of the population. With these few words I oppose the amendment.

Maulvi ABUL KASEM: Sir, although I cannot support the motion of my friend, I must say that I have every sympathy with his proposal, as well as I support the statement made about the grievances of the depressed classes. The Hon'ble Minister has been pleased to observe that the Government have never been unsympathetic to the depressed classes, and that the present Government will consider their case very favourably. As far as the latter statement is concerned it is all right; but the statement that Government have never been unsympathetic towards the depressed classes is not, I think, borne out by facts. Government have systematically neglected them, and it is high time that their claim for a share in the administration of the country should be fully realised. I think, as was pointed out by my friend, Rai Bahadur Dr. Dutt, the object which the mover, Mr. Ray, has can be very well served by accepting the amendment of which notice has been given by Rai Bahadur Dr. Dutt. While speaking on this motion I must say that I was really surprised at the statement made by my friend, Maulvi Abdus Samad, that the labouring and the poorer classes amongst the Muhammadans are in the same position as the depressed classes amongst the Hindus. They are certainly not so. In the Muhammadan society —I am not speaking of the principles of Islam—we make no distinction between the poor and the rich, between the Khalifa and the sweeper; we attend our prayers in the same line and at the same time, and we generally find the poorer and the labouring classes getting front seats and the well-to-do classes back seats. Not only we do not refuse admission to our mosques and sacred places to any body, but we cannot refuse anybody to our table. My friend, Mr. Samad, sat at the same table with many a labouring and working class man for whom we have the greatest respect and admiration.

Dr. AMULYA RATAN GHOSE: Sir, I have every sympathy with the mover of this motion and I do not think it would be very unreasonable if one-third of the one-fourth seats be allotted to the backward community, but the words "depressed classes" certainly should have been "backward," it would then have been wider in its scope. While expressing every sympathy for the mover, I cannot agree with the observations that he and his supporter Mr. Bal have made. Sir, the mover has complained much against the caste Hindus. He says that the caste Hindus always propagandise against anybody who stands for election from the depressed classes. Well, Sir, I ask him in all seriousness whether it is not a fact that it was by the unanimous support of the caste Hindus as well as of the other castes that depressed class men have come even to this Council unopposed and also from a constituency which is one of the most advanced constituencies in this province. Then, Sir, I see that he has vomited fire against the caste Hindus for not supporting these gentlemen in their elections; but, Sir, I have not

heard of such grievances against the Government who have equally disappointed them in giving them no nomination.

Then, Rai Sahib Sarat Chandra Bal has complained that even barbers will not shave the depressed class men. I do not think that it is a fact. Had that been a fact we would have been seeing in the streets of villages and towns depressed class men with two feet long beards and one foot long nails. But what do we find in practice? They are as much clean shaven as we are.

Mr. A. K. FAZL-UL HUQ: I rise to a point of order; what has shaving to do with nominations to municipalities?

Mr. PRESIDENT: I think I had better clear up the point. There seems to be some misapprehension about it, as Mr. Bal was laughed at; but then he was in order when he was pointing out how it was difficult for his community people to get elected.

Dr. AMULYA RATAN GHOSE: Now, Sir, regarding Ward No. IV of Bally Municipality the mover has made a grievance that although that Ward is predominantly inhabited by ratepayers of the depressed classes it was not possible for him to get elected. I do not think that the caste Hindus are to be blamed in that case as it was stated by the mover himself that that Ward is inhabited predominantly by men of the depressed classes.

Mr. PRESIDENT: You need not labour that point any further.

Dr. AMULYA RATAN GHOSE: I bow to your ruling, Sir. I may say that I am prepared to support the amendment if the mover agrees to a change in the wording.

The motion of Babu Amulyadhan Ray was then put and lost

4 p.m.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that in clause 15, in line 3, for the words "appointed by the Local Government" the words "co-opted and elected by the commissioners from amongst the general public including specialists in special branches of the municipality in engineering, public health, finance and education" be substituted.

I think, Sir, that if the entire body is elected there might be some interest not represented in the municipality, and if that is so I think my suggestion can be safely accepted to meet that. Official nomination practically introduces some members who have got some influence on the officials. The real need, as to the deficiency in an election as regards expert commissioners, that is of men who are useful in render-

ing material help in special branches of municipal administration, is not secured by nomination. I therefore suggest that instead of nomination by Government, let there be co-option——

Rai Bahadur KESHAB CHANDRA BANERJI: On a point of order, Sir, is the hon'ble member entitled to move this amendment having regard to the fact that if this amendment is accepted it will have the effect of doing away with the principle of nomination? The House has already accepted this principle of nomination.

Mr. PRESIDENT: Well, that is a question which perplexed me at the beginning, but as I began to think and analyse the motion it occurred to me that perhaps the previous decision of the House on the point has not washed out Kishori Babu's amendment. What is he asking for? He wants that a certain percentage of the whole body of commissioners may be elected by the elected commissioners under rules which may be framed by the Local Government for that purpose. It does not, therefore, clash with the previous decision of the House to the effect that the whole body of commissioners shall not be elected. But certainly a portion of it could be elected by the elected commissioners under rules framed by the Local Government for that purpose. The motion is, therefore, in order.

Babu KISHORI MOHAN CHAUDHURI: I thank you, Sir, for your ruling. As I was suggesting instead of doing away with nomination the commissioners should be given an opportunity of deciding what sort of men they should have. It may be persons with expert knowledge, and persons coming from the backward classes whose presence would be of some help in deciding important issues that might sometimes arise. In that view, I think it is very desirable that there should be co-option. Under the nomination men having influence with Government officials come in. Personally, I am in favour of a party system of Government, and to make that successful we ought to have co-option instead of nomination. By co-option the majority party will have the opportunity of securing their own experts, and thus the successful administration of the municipality will be secured. I say, therefore, Sir, let the elected commissioners exercise that right and thus strengthen their own party with expert men. The first duty of these commissioners is that they should see to the success of the municipal administration. When a heavy responsibility is thrown upon them to manage their municipal affairs, they will see to the successful administration of the municipality, and thus avoid supersession by Government. If there is any failure and if they are right-thinking men and capable of doing their duty, they will sit together and consider the best interests of the municipality instead of their party's advancement. They naturally think who would be the best person to

do good to the municipality, and if we permit them to bring such persons in by co-option, I do not think any danger will arise out of it. In every town there are the right type of men available and with that object in view I have brought forward this amendment. I appeal to the Government that they should accept this amendment, and the Hon'ble Minister may not be very anxious if the right of nomination is not exercised by the District Magistrate or the Subdivisional Officer, or some other official.

We should not take it for granted that the commissioners will not exercise their right properly. It has been done in the case of the Calcutta Corporation, and I do not see any reason why it could not be done elsewhere. We are going to get an autonomous government; hence we want that the people of the municipalities should also get an opportunity of doing good to the people. We want government of the people, by the people, and for the people. Why should you not give them that opportunity, and why should you not make some allowance to enable them to administer their own affairs? Why should you take it for granted that they cannot be trusted with power? If you can trust your Subdivisional Officers and your District Magistrates, I do not see any reason why you should be averse to trusting persons most interested in the successful administration of the municipalities to select their own colleagues.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I give my whole-hearted support to this amendment. By this means the municipalities of Bengal will be provided with the services of capable experts for whom the Hon'ble Minister and other members of the Council appear to be so very anxious—experts in agriculture, sanitation, education and so forth, so far as they are available in a municipality. The proposal is that, instead of the Government nominating these experts, they will be elected by competent people of the localities concerned.

Well, I think that every purpose which requires to be served—this point was made much of in yesterday's debate—will be served by nomination. We do not want unrestricted powers to be granted to Government for nominating their own men or rather dumping them into the municipalities of Bengal. Presumably, these nominated members will be men chosen by local officers, so as to extinguish the voice of the majority of the elected commissioners.

Well, Sir, I am not talking from imagination. We have already heard a great deal of tall talk of securing super-men in municipalities through the procedure of nominating members. The fact is that these experts are not to be had except in district towns. Well, if you analyse carefully the list of nominations in the various municipalities, save in the case of district municipalities, you will find that, in most of them, the number of nominated seats in nine cases out of ten have been filled

up by persons who would not be elected by the people of the localities—by persons who failed in the elections or who have kowtowed before the local authorities, simply to dilute or to extinguish the majority. One municipality comes to my mind, and I think the Hon'ble Minister has very good knowledge of that municipality. Well, in that municipality one party had a majority in the municipal elections. The District Magistrate sent up a list of nominations which consisted of men belonging to the opposite party—perhaps in the hope that these nominated members along with other members would be able to form themselves into a majority. That is a fact. The effect of the nominations by the Collector was that the majority of the elected commissioners was deprived of their voice in the management of the municipality. Well, even there, there was no question of nominating experts—or super-men—but there were other questions which required to be brought to the notice of Government, *e.g.*, the question of representation of minority interests. I refer to the municipality of Nabadwip. There in the municipal area, a very large proportion of settlers hail from East Bengal, and they mostly belong to castes like Sahas, who, I may add, have contributed considerably to the civic amenities of the municipality. At any rate they form a very large population and it is a fact that they have never been represented in the municipality. Well, when the question of nomination came up, one might have thought that a member of that community was entitled, at least, to nomination. (Mr. NARENDRA KUMAR BASU: On a point of information, Sir. Was it a majority community?) It was neither a majority nor a minority community; it was simply a "community." One could have understood the *bona fides* of Government if a nomination had been made from that community; that was not done. The local officials recommended the nomination of those persons in such a way that they could rest assured that the nominated members in alliance with other members would be able to outvote the majority of elected commissioners. These were the persons in whom the Collectors showed an unusual and unholy interest.

Well, Sir, that is how nominations are made in many cases, though I am unable at present to give you the percentages. There are no "super-men" and very few experts are available in the case of remote and out-of-the-way municipalities. To come to facts, it is only a question of the choice of the District Magistrate: it is a question of how much *khosamudi* one can put in for such nominations, with the result that there is regular race for it. Nominations by Government will only bring in third-rate men through backstair and other undesirable influences; on the contrary, if you leave the matter in the hands of the elected commissioners, better men are sure to be nominated. The elected commissioners have got to explain in cases of gross abuse of power to their voters, whereas Government have got nobody to furnish an explanation for the selection of worthless men: they have not got

to answer to anybody, and here lies the whole crux of the problem. It may be argued that Government will be answerable to this Council, but, I submit, a more preposterous claim cannot be made, inasmuch as this Council cannot be expected to take a live interest in the affairs of a municipality, say, situated at a remote corner of the province. What does it matter to members of this House, if the affairs of a municipality are not what they ought to be? It means very little to them whether a municipality situated in a remote corner of the district of Noakhali does not know how to administer their own affairs.

It is common knowledge that recently there has been a wave of thought against the theory of rule by majorities alone, and one of the arguments that are put forward, is that, the Council, or any other legislature, which has been elected by the people of the whole province does not consist of experts in local matters, and I beg to submit, Sir, that, as far as possible, local matters should be left to the people of the locality.

For this reason, Sir, I strongly support this motion.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this motion. Since yesterday we have heard several lectures against nomination, but I confess that I still remain unconvinced. The mover of the amendment, my esteemed friend Babu Kishori Mohan Chaudhuri, seems to take a rosy view of things, seems to be more optimistic than many of us. I regret to say that we find it difficult to take the same optimistic view as he does, but unfortunately I am not yet prepared to accept his theory. Co-option has been suggested—but presumably co-option by the majority. But what about the minority? Why should the minority be placed under the thumb of the majority? If the minority interests have got to be protected they must be protected independently of the majority. So, that theory I do not think bears any scrutiny. Moreover, the suggestion of Mr. Chaudhuri is quite unworkable. Mr. Chaudhuri in his amendment suggests "co-opted and elected by the commissioners from amongst the general public including specialists in special branches of the municipality in engineering, public health, finance and education." Where shall we get all these experts in the *mufassal*? I can think of experts in the municipality of Howrah; I can think of experts in the municipality of Dacca; I can even think of experts in the municipalities of Naihati and Bhatpara, but how can the rest of the municipalities secure the services of experts? Many *mufassal* municipalities are no better than village municipalities. Even if this motion is accepted it will not be workable.

The mover of the amendment has said why should the majority take an unreasonable view of things, why should the majority sacrifice the interest of the minority but party interest, as he knows much better

than I do, is a great factor which even very intellectual men can hardly ignore. The District Magistrate and the Subdivisional Officer have no party interest and they can take a detached view of things; but it is very difficult, nay almost impossible, for an elected member to forget the party by which he was returned and to take a dispassionate view.

Dr. Sen Gupta has again referred to the municipality of Navadwip about whose affairs I am supposed to have personal knowledge. In criticising the system of nomination he referred to the recommendations made by the District Magistrate of Nadia for nomination on the municipality of Navadwip. I should say that that itself would justify the system. The man to whom my friend Dr. Naresh Chandra Sen Gupta referred—although he did not mention his name—was an influential person——

4·30 p.m.

Dr. NARESH CHANDRA SEN GUPTA: On a point of personal explanation, Sir. I did not refer to a single man, but I referred to a community.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Well, Sir, the representatives of that community are, as he himself admitted, very rich and they never lack the materials which according to him are the best means for securing nomination, namely, *khosamudi*, money and influence; but still the local officers refuse to submit to these things and they look to the interest of the municipality and the municipality alone. That itself proves that it is necessary that some power should be retained by Government and it also proves that the officers of Government can take a detached view of things and are not influenced by the rich and powerful members of a particular locality. But, Sir, my strongest ground for opposing this motion is that it will do away with any provision for safeguarding the interest of minorities like the Namasudra community and others about which there was an amendment just before this motion was moved. If they cannot come in under section 17A, Government will be in a helpless condition and these minorities will not be represented on the municipal boards.

The motion of Babu Kishori Mohan Chaudhuri was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Chaudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Nurul Abser.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hoque, Kazi Emdadul.
Rout, Babu Hoseni.
Roy, Babu Satyendra Nath.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Ahsan, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Austin, Mr. J. M.
Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Banerjee, Babu Jitendralal.
Barma, Rai Sahib Panchanan.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Basu, Babu Jatindra Nath.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Ali-muzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. C.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Eusufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Susil Kumar.
Ghose, Rai Bahadur Sasanka Comar.
Ghuznavi, the Hon'ble Alhadj Sir Abdel-kerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Haque, Khan Bahadur Maulvi Azizul.
Henderson, Mr. A. G. R.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-uz-Zaman.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Leesen, Mr. G. W.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mittra, Babu Sarat Chandra.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Babu Suk Lal.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Ordish, Mr. J. E.
Philpot, Mr. H. C. V.
Poddar, Mr. Ananda Mohan.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Rai Mahasai, Manindra Deb.
Ray, Babu Amulyadhan.
Roy, Babu Nagendra Narayan.
Ray Chowdhury, Mr. K. C.
Ray Chowdhury, Babu Satish Chandra.
Reid, the Hon'ble Mr. R. N.
Rees, Mr. J.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sarkar, Babu Benod Bihari.
Sarkar, Rai Sahib Rabati Mohan.
Sen, Mr. Giris Chandra.
Sen, Rai Sahib Akshoy Kumar.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Stapleton, Mr. H. B.
Thomas, Mr. M. P.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

The Ayes being 10 and the Noes 87, the motion was lost.

[At 4-30 p.m. the Council was adjourned for prayers and it reassembled at 4-40 p.m.]

Babu SATYENDRA NATH ROY: I beg to move that in clause 15, in line 3, after the words "Local Government" the words "from persons having the same qualifications as an elected commissioner except in the case of an official" be inserted.

Sir, I shall be very brief in my argument. The object of this amendment is to ensure that those who would be nominated, if they are not officials, must have some connection with the municipality—he must

either be a resident within the municipality or must pay some rates and taxes to the municipality. I think, Sir, my demand is a very moderate one and I hope the Hon'ble Minister will accept my amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I have much pleasure in accepting the amendment.

The motion of Babu Satyendra Nath Roy was then put and agreed to.

5 p.m.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in clause 15, in line 3, after the words "Local Government," the following be added, namely:—

> "to secure the association in municipal administration of persons specially fitted in the opinion of the Local Government for appointment as commissioners and to secure the representation of minorities and special interests including the backward and labouring classes."

Sir, for the last two meetings we have heard much about nomination, co-option and representation of different minorities. I understand that in the Select Committee also there was considerable difference of opinion as to what line should be adopted in the Statute for giving efficient representation to the different communities as well as to safeguard the interests of the minorities and different interests also. I find that it is very difficult to hold the balance properly and to fairly measure all the different points arising in this connection. The labouring classes have been clamouring for their representation being efficient and direct. The backward communities also have come forward praying for their just rights of representation in all municipalities where their number is large. Sir, I find that the Select Committee has tried to solve the problem by inserting a clause, viz., 17A in which they have put down that the Local Government may by rule make necessary provision for representation of any minority community within a municipality. On reading through the pages of the report of the Select Committee, I have not been able to find out any other proposal. But that does not go far and does not touch the question of the representation of the backward communities or of other interests which may require representation in municipalities. With a view to meet these points, I have moved this amendment which, I believe, will to a great extent solve the difficult problem of giving adequate representation to the different communities and to the different interests by means of nomination. This was one of the reasons why yesterday I was trying to give my support

to the principle of nomination being not altogether done away with. I believe it is an acknowledged principle that Government nomination should be utilised for the purpose of securing due representation of minorities and of official experience. I find that this principle has been enunciated by the Government of India in their Resolution of 16th May, 1928, on Local Self-Government. I would draw the special attention of the Hon'ble Minister to it and ask him to remember that the Government of India in their Resolution of 16th May, 1928, on Local Self-Government enunciated that principle. The Government of India said that nominated members should be limited to a number sufficient to provide for due representation of minorities and of official experience and also for special representation of minorities. Where necessary these should be effected through the system of nomination rather than by any system of communal or proportionate representation, as has been attempted by the drafters of clause 17A. The purpose of my amendment is to make it clear that the Government nomination of one-fourth of the members in clause 15 should be limited to the purpose of securing representation of minorities and special interests, including the backward communities and the labouring classes, as well as of persons specially fitted for appointment as commissioners. Government ought not to take advantage of the power of nomination for favouring a particular person or appointing one who has no special claim. I wish this deviation which I have just mentioned had not been made in the past by Government; but perhaps such steps at times had been taken unintentionally. The Government ought not to nominate one who does not come within the category of these persons mentioned by me. I once more repeat that they should include backward communities and the working class as well as different interests and minorities. If we observe that rule I believe much of our difficulties will disappear. Sir, yesterday, the Council adopted the principle of nomination and had thrown out the principle of wholesale election. So let us find out how we can make nomination as little objectionable as possible. That can only be done if nomination is qualified by this principle, *viz.*, that when nominating a person Government must attend to the principle laid down in my amendment. I hope the Council will give my amendment some consideration and try to find out whether this will not help the solution of the difficult problem under which we are labouring.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I have every sympathy with the principle underlying this amendment. As a matter of fact Government follow this principle in giving nomination to local bodies. If this amendment is accepted and introduced in the Statute it will fetter Government's discretion and on this ground it cannot be accepted. In clause 17A Government are going to safeguard all special

interests and interests of minorities. I do not think they need depend entirely upon nomination. Only in those cases which will not come under clause 17 or 17A the interests of minorities will have to be safeguarded through nomination. The experts will always have to come through nomination. I hope the mover will consider all these grounds and see his way to withdraw the amendment.

The motion of Rai Bahadur Dr. Haridhan Dutt was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Chaudhury, Maulvi Hurai Absar.
Dutt, Rai Bahadur Dr. Haridhan.
Fazlullah, Maulvi Muhammad.
Hoque, Kazi Emdadul.
Kasem, Maulvi Abul.
Rout, Babu Hoseni.
Roy Choudhuri, Babu Hem Chandra.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Austin, Mr. J. M.
Bai, Babu Lalit Kumar.
Bai, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. C.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Eusufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Pawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Haque, Khan Bahadur Maulvi Azizul.
Henderson, Mr. A. G. R.
Huq, Mr. A. K. Fazl-ul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-ul-Zaman.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Leesen, Mr. G. W.
Mitter, the Hon'ble Sir Provash Chunder.
Mittra, Babu Sarat Chandra.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. N. C. V.
Poddar, Mr. Ananda Mohan.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Rai Mahasai, Munindra Deb.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Reid, the Hon'ble Mr. R. N.
Roy, Babu Haribansa.
Roy, Babu Jitendra Nath.
Ray, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarkar, Babu Sasee Bhari.
Sen, Mr. B. R.
Sen, Mr. Girie Chandra.
Sen, Rai Sahib Akshoy Kumar.
Stapleton, Mr. H. E.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 11 and the Noes 67 the motion was lost.

5-15 p.m.

Mr. W. H. THOMPSON: Sir, when we were inhabiting the Town Hall, I remember that we had the same difficulty which we now have, *viz.*, of members insisting on a division when it was apparent to the House that the issue was definitely against them. On previous occasions you, Sir, took the sense of the House by asking members to indicate their intention by rising in their places. I have discussed this matter with leaders of groups covering a majority of this House and they think that a representation should be made to you in this connection.

Mr. PRESIDENT: I might tell Mr. Thompson that this is why I have adopted a new procedure since we have shifted to our new habitation. When a division is demanded I put the question to be decided once again after members have assembled in the Chamber to divide. I thereby enable them to indicate their opinion on it by their voice once more, so that it may become clear to the member asking for a division as to whether he is or is not justified in challenging my decision. I must ask members to bear in their mind that when there is no earthly chance of a motion being carried or largely or influentially supported, no member should waste the time of the Council by calling for a division.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, will it not be possible for you to ask us to raise our hands in the first instance?

Mr. PRESIDENT: I can do that, but my past experience tells me that such a procedure will cost us more time. For instance it will take some time to count the hands and if more than ten members raise their hands, I have to allow a division. So, I must leave the matter to the good sense of the House. Every member is supposed to realise his responsibility and he must decide as to whether time should be wasted in this way.

Maulvi ABUL KASEM: Sir, you have been pleased to say that if a mover or any of his friends finds that he has not the ghost of a chance he should not call for a division, but I submit respectfully that many a time a division is called simply for the purpose of having a declaration as to which member voted for or against the motion, so that the electors may see which way they voted.

Mr. PRESIDENT: Ordinarily I must discourage that. You will remember that on several occasions in the past I have discouraged it. *Prima facie* that should not be the object which should induce a member to ask for a division.

Mr. PRESIDENT: The question is that clause 15, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 16.

Mr. PRESIDENT: The question is that clause 16 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: Sir, I beg to move that in clause 16 (*2*), in line 2, the words "or exclude from" be omitted.

Sir, this clause says that the Local Government may at any time include in or exclude from the said schedule the name of any municipality. I hope that this amendment will be accepted by the House. It will not be a very reasonable attitude of the Government to exclude any municipality from the schedule. It is after due consideration and deliberation in this Council that a municipality is included in this schedule and it would be unjust to exclude any municipality from it without assigning sufficient reasons and without bringing it to the legislature. In view of the reasonableness of the proposal, I hope the Council will accept it.

MUNINDRA DEB RAI MAHASAI: Sir, in support of Dr. Ghose's amendment I may say that Government may be given the power of increasing the number but it should not be given the power of curtailing. That power should be left to the legislature.

Dr. NARESH CHANDRA SEN GUPTA: Sir, in supporting the amendment I would point out that there may be reasons for which it might be necessary to exclude any municipality from the schedule. For instance, supposing that the Dacca or Darjeeling Municipality falls to such a low state that the municipality cannot be maintained at the standard laid down by this Act, it is conceivable that it may be necessary to exclude the municipality from the schedule. If the words of sub-clause (*2*) had been so worded as to assign the reasons for which the Local Government would exclude it from the schedule, I would be very glad to accept the provision. As it is worded, it leaves it absolutely in the discretion of Government to exclude or include. What I want to say is that they may include in this schedule as many municipalities as they like, but if they want to exclude any, the grounds for exclusion should be definitely stated in the Act. As this has not been done the only thing we can do is to accept the amendment and take away the power from Government. It is conceivable that the contingency of excluding a municipality may arise, in which case Government will have no option but to come up to this Council for amending this

provision. But having regard to the fact that the contingency of exclusion must be very very remote, I submit that Government need not have this power.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I must oppose this amendment, because Government will not exclude a municipality from the schedule which has been included in it unless there are very cogent reasons for doing so. Government will surely act on merits of the case and if this power is taken away they will find it difficult to exclude a municipality even if it is necessary to do so, and the procedure suggested that they should come to this Council for amendment of the Act is hardly practicable. So, I oppose this amendment.

The motion of Dr. Amulya Ratan Ghose was then put and lost.

Mr. PRESIDENT: The question is that clause 16 stand part of the Bill.

The motion was put and agreed to.

Clause 17.

Mr. PRESIDENT: The question is that clause 17 stand part of the Bill.

5-30 p.m.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that clause 17 be omitted.

The Hon'ble Minister says, "unless separate constituencies are provided for industries and labour, the original inhabitants, like Bhatpara and Naihati, not representing labour, will have no chance at the poll and they will be shut out from the municipal administration of their own towns." And the remedy which this section 17 provides is that the executive can supersede election by the constitution of electoral constituencies for such inhabitants beyond all proportions as stipulated in clause 15.

Sir, in reply I may be pardoned to cite another concrete example. My reason for citing it is that the Hon'ble Minister knows the fact. In the municipality of Nabadwip the so-called original inhabitants represent one-fourth and the East Bengal and other new settlers represent three-fourths of the total ratepayers. But up till now not a single East Bengal commissioner is elected or nominated in that municipality. The party clique and caste feelings made these three-fourth ratepayers subservient to the domination of the one-fourth

original inhabitants. But for that, nobody wants either protection or separate electorate for the East Bengal ratepayers at Nabadwip.

I cite this concrete case because the Hon'ble Minister has referred to the two cases of Bhatpara and Naihati. The Hon'ble Minister showed one side of the picture; I have, therefore, to show another side of the picture. Both the pictures are true.

If Nabadwip does not require any special treatment to save that municipality from the clutches of its "original inhabitants," why should the Hon'ble Minister be so anxious to protect the original inhabitants of Bhatpara and Naihati?

And, Sir, at what cost? The cost is the negation of democracy. The original inhabitant theory is rather too late in the day.

The Hon'ble Minister prides in the fact that he has extended the franchise. But I submit, then why is he afraid of the consequences? Let the democracy have a full play. It is a great experiment and we are out for it. Let us see how it works. Time for judgment is not yet. It is for that reason, Sir, that I propose that the whole section 17 should be deleted, and I appeal to the members of this House to look into the matter in its proper light and give their unstinted support for the deletion of this clause.

Mr. ANANDA MOHAN PODDAR: I beg to move that for clauses 17 and 17A the following be substituted, namely:—

"17. If after the election of commissioners of a municipality, it appears to the Local Government, that the interests of a minority community or of labour or of industrial or commercial section of the population have not been well represented, the Local Government, in making appointments of the remaining commissioners under section 15, may consider the claims of such communities or interests and provide for their representation accordingly."

Sir, the inclusion of these two clauses in the present Bill has raised the greatest storm of dissent in the province. They have been strongly condemned by the press and on the platform alike. One of them refers to special provision with regard to industrial areas and the other representation of minority communities. I do not see what reason there is to give special protection to the industrial people in a municipality. They share equal facilities in their civic life along with the common people. In sanitation, education, light and water-supply, etc., there is no distinction between an industrial area and a general area in any municipality of Bengal. Moreover, as regards representation in industrial areas, the heads of industrial concerns generally exercise very great influence on account of their position as such, and they get a good number of their representatives elected easily. I have some experience of a premier industrial municipal area in Bengal—I

mean the Narayanganj Municipality. In the history of the Narayanganj Municipality there was not a single occasion when the European merchants of Narayanganj were not very strongly represented on the municipal board. And with the exception of two short terms, since the creation of the municipality in 1876, the position of chairmanship has always been occupied by the local European merchants. Perhaps this is the case with other industrial areas as well. Under the circumstances, I fail to see how the industrial areas require any special statutory protection.

Then, again, there is clause 17A which proposes to confer on Government the power of introducing the system of communal representation in the municipality. I do not like to enter into the controversial aspects of joint and separate electorates which have thoroughly been thrashed out only the other day on the floor of this House, and the principle of joint electorate has very rightly been accepted by us in our legislature. Sir, we have got our experiences of the evils of communal electorate in the election of our Legislative Councils and we have experiences also of the system of joint electorate in our local bodies as well. Under the circumstances, I cannot on any account support the proposal of introducing special representation of industrial area or communal electorate in the municipal administration of Bengal. If, however, after the election in any municipality it is found that any community or interest has not been well represented, the Local Government may at once make provision for its representation by nomination. Sir, I think the object of the provision for nomination is to meet such an emergency. If the power conferred by clause 15 be judiciously and equitably exercised by the Government to ensure representation of the interests unrepresented by election, then its purpose will be well served.

With these words, Sir, I commend my amendment to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that for clause 17 the following be substituted, namely:—

"17. The Local Government may, in framing rules for the election, provide that voters at the elections may by an application made to the Committee for the preparation of electoral roll under section 19, not less than one month before the election, elect to vote in a separate constituency made up of such applicants instead of voting in the ward in which they are registered and the Local Government may prescribe the minimum number of voters who must so apply in order to be constituted into a special constituency."

Right to vote in a special constituency.

Sir, my proposal serves the purpose for which this clause 17 has been ostensibly introduced. The difference is important. Under

clause 17 the Government proposes to take away with one hand what they give with the other. Under the provisions of clauses 15 and 16 provision has been made for a certain proportion of elected members of the municipality. Now that rule may be altogether abrogated by the Local Government acting under this clause, and there is no restriction whatsoever upon the power of the Local Government acting under this clause. All that is required is that in the opinion of the Government, the development of a municipality is due to an appreciable extent to, and dependent upon, the concentration of any industry or industries. If the Government think that any industry has contributed to an appreciable degree to the development of a municipality, it may forthwith take the municipality out of the rules of clause 15 and increase the number of nominated commissioners beyond the proportion mentioned in that clause in order to secure proper representation of such industrial area. Increase the number without limit, mind you. It may be that for the purpose of proper representation of the industries which may represent nearly four-fifths of the contribution to the town itself, the Government may in its wisdom provide that four-fifths of the members of the municipality should be nominated or should be elected by special constituencies of those industries. Well, absolutely unfettered discretion is given to the Government in this matter to increase the number of nominated members beyond proportion, but not subject to any limit mentioned in that clause, in order to secure the proper representation of such industries! What is or is not proper representation is left to the discretion of the Local Government alone. And "if it appears expedient to the Local Government," not if the people want it, but if it appears to the Local Government "that the industries and the labour employed therein should be represented by elected commissioners, they may constitute industrial constituencies for the representation of such industry or industries . . . . ." there is nothing to show that these industrial constituencies should not be constituted of men who have already exercised their vote in the other general constituency. No such unseemly limitation marks the comprehensiveness of this province, and the Government do all this whether the industry or the labour of that industry want it or not. It will be paternal Government with vengeance. But it is not only concerned for those industries which contribute to this municipality, it has a soft corner in its heart for the original inhabitants of the locality and has provided "for the representation of the inhabitants who are not directly connected with such industry or industries for such inhabitants on such basis as may appear to the Local Government to be expedient". Absolutely without any reservation whatsoever. And the Local Government may further provide "for election by general electorates in any portion of such municipality" and in any municipality to which the provisions of this sub-section are applied, the electoral roll shall be prepared, and the elections held in such

manner as the Local Government may prescribe. I am naturally apprehensive of giving such wide powers to the Local Government. I do not expect that this motion will have much greater support in this Council than many other motions which I have moved, but nevertheless, I would ask the hon'ble members of this House to just visualise the problem for the solution of which this clause has been framed, and just for one moment forget their party allegiance, forget their obligations to the Government, and Ministry and anybody else, and turn their eyes upon their real masters, the persons who have sent them here, and who may send them here again. Well, let them consider from an absolutely disinterested point of view the provisions of the amendment which I have proposed. It does not take away from the people of these industrial areas any advantages which the Government might reasonably bestow under the proposed clause 17. If these industries and if the labour there really think that they have not got a proper chance of representation in the general electorate, this clause gives them the liberty to apply one month before the preparation of the electoral roll to the officer responsible for the preparation of the electoral roll, for the purpose of indicating that they elect to vote in a separate constituency. The Local Government will only lay down that unless there are so many applications, such a constituency shall not be created. Upon this, that this section will be in operation not only in the industrial areas but also elsewhere. We may expect that 1,000 inhabitants of a particular area who think that they have no chance of making their influence felt in the constituencies in which their names are registered may, if they so choose, elect to vote separately and these 1,000 voters will constitute a constituency and they will be able to elect their own representatives. Well, one such special constituency—there may be more than one, there may be quite a number of them—so that the industrial interests, the labour interest, and other special interests, if they think that it will serve their interests to have a separate constituency for themselves, may, independently of the Government, without asking for the exercise of the powers of Government, have their own way and elect their member in the manner as they choose. The Local Government can only lay down the minimum number for which such a constituency can be formed.

5-45 p.m.

Those who have studied the literature on the subject of representation of minorities or the protection of minority interests will remember that the motion represents an opinion which has been expressed on high authority. The only argument which, I expect, can be advanced with plausibility against this is that it will not be practical. I am not very fond of that word which has been so much abused. I am not

renowned for being a practical man and I prefer to be an idealist. I should ask those gentlemen who find in this blessed word "practical" a solution of all problems—with all their dearth of imagination, with all their intellectual indolence and with all their opposition to change of any kind—to reflect dispassionately what it means and should also consider in what respects it is going to be unpractical. I do not see any difficulty whatsoever. One month before the electoral roll is prepared, say, 1,000 or 2,000 or 3,000 men come forward and say "constitute us into a separate constituency subject to limits which may be imposed by the Local Government"—limits with regard to the total number of voters, who may apply to be constituted into a separate constituency, and to the total number of constituencies—they should be formed into a separate constituency and the election will go on without difficulty. Where is the difficulty? I see there is none. Even if there is any practical difficulty which frightens away anybody at any rate, I submit, let us make an experiment. If you are satisfied that this proposal is sound in principle, if you are satisfied that it really gives to these interests better guarantees for representation than those in clause 17, I should say that it is up to us all to give this proposal a fair trial. If, upon trial, it is found that it does not work or that there are difficulties which are insurmountable, then there will be an occasion for changing it. Perhaps there is no objection to making an experiment, when it is well founded on sound principles. We must make experiments if we are satisfied that it is likely to do good, and if the experiment fails we shall always be prepared to confess that it has failed and change the procedure. I hope this proposal will give a better and more satisfactory method of representation of special interests, who want to be represented separately without the paternal intervention of Government and without any of those subterfuges which in the clause, as it has been drafted, practically take away the fundamental principle of elective government in local bodies for which this Bill is professedly designed.

Babu SATYENDRA NATH ROY: I support this amendment for deleting clause 17 because this clause gives unlimited power to Government of increasing the number of nominated commissioners beyond the proportion laid down in the Bill. It gives unfettered authority on the Government to decide what proportion of the commissioners are to be elected by industrial constituencies and what by territorial constituencies. It is not understood what special interests the industrial people may have in a municipal body which are not shared by the general people. Education, sanitation, building rules, etc, affect them equally as they do the common people. In industrial areas, the heads of industries generally wield very great influence on account of their position as such. They require no protection. It is not understood why it is considered necessary to vest them with further influence.

If it is considered necessary to create industrial constituencies, it would be difficult to resist the claim of labour to have their own constituencies. The introduction of this "class representation" will create a precedent and one does not know where it will end. The commercial people in a commercial town, the traders, the engineers and the educationists might then very well put in their claim and this will accentuate rather than stop class feud. In parochial institutions, the interests of the different classes do not seem to vary the least.

Apart from the question of principle involved the clause is objectionable from other points of view.

This clause is intended to apply to a municipality, the development of which is in the opinion of Government due to an appreciable extent and dependent on the concentration of any industry or industries (including railways and shipping, etc.). The discretion given to Government seems to be too much. In view of the fact that such class representations are bad in principle and are likely to create "class feuds" as communal election has created in the country and in view of the further fact that such class representation is unnecessary in municipal bodies this clause should be omitted altogether.

Sir, I would illustrate my objections with practical and actual examples. I would cite the case of the Howrah Municipality, in which the two railways, the East Indian Railway and the Bengal-Nagpur Railway, are located. It is now proposed to increase the number of nominated commissioners by another 10 or 15 commissioners. What will be the result if such an increase is given to the two railways? The whole balance between the different parties will be upset at once. The Hon'ble Minister has cited the names of three municipalities in one of his speeches, *viz.*, Bhatpara, Garulia and Naihati. I do not know either the present number of elected commissioners or the number of nominated commissioners in each of them. If the number of nominated commissioners is raised, say, from 16 to 24, by nominating 8 additional commissioners, it is sure to affect the position of the elected element as well as the franchise.

Sir, with these few words I propose that clause 17 be deleted.

Dr. AMULYA RATAN GHOSE: Sir, I very strongly support the amendment moved by my friend Dr. Sen Gupta, and in doing so I beg to state that I really cannot understand why Government should want to increase the number of nominated commissioners in the municipalities of Bengal. This is proposed to be done by clauses 15 and 17A. There are so many ways of bringing in men who enjoy the patronage of Government on the municipal bodies, that it seems to me to be superfluous to have these provisions in the Bill. The Hon'ble Minister assured this House that this Bill is a very democratic measure—in

fact, he claimed that the Bill is one which is in tune with the present-day ideals of democracy which is sweeping through the country. But, I find that where the number of elected commissioners has been increased by one-fifth, one-fourth, or even two-fifths, that increase has been lowered down by making provision for nominated members on the other hand, representing different interests.

Sir, it has been the practice of Government—I do not know what the practice will be for the future Government—to take into consideration the various interests in a municipality.

Sir, the municipality in which I am interested, *viz.*, Howrah, presents an interesting case. In that municipality there are 10 seats for nominated commissioners. Two of them represent the jute interests, two the engineering, two the railways, one is reserved for the Civil Surgeon, one for the Principal of the Bengal Engineering College, and, as regards the remaining two, for some years it has been the practice to nominate two Muslim commissioners to represent minority interests. I might, however, add on one or two occasions, one Hindu is being nominated in place of any one of the seats. Well, this practice has been prevailing in Howrah for some time past, and the nominations have been made on the above basis. I do not know what earthly reason there can be in inserting another clause for the primary purpose of nominating commissioners for safeguarding the interests of industries and labour. To achieve this end, Government can very well nominate representatives of these interests under the existing law, and it seems to me that it is simply unnecessary to insert fresh clauses for bringing in more men of this type. This will undoubtedly lower the franchise which was so much spoken of the day before yesterday. I am afraid that the benefits given by lowering of the franchise is going to be taken away on the other hand. And, therefore, Sir, I think it is a retrograde measure.

6 p.m.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, dictionary has been ransacked to find suitable phrases to describe this Bill as a retrograde measure and I sympathise with Dr. Ghose for his labours in this connection, but I still maintain that wider franchise has been granted to the people in this Bill. This clause 17 will apply to municipalities which have come into prominence through industries—municipalities like Bhatpara, Garulia, Titagarh and Dum Dum. These municipalities consist solely of nominated members with no element of election, and what is now proposed is to give them the right of election. Then clause 17 divides itself into three parts. First it is proposed that Government should have power to form special constituencies for industries and labour, and allow representation of industry and labour through nomination. Then there is another clause

—clause 2—which provides for the representation of people unconnected either with industries or labour. In municipalities like Bhatpara and Kanchrapara where there are original inhabitants of these places unconnected with any industry or labour; it is their standing grievance that they go unrepresented in the municipalities of their own place, and it is for removing this grievance that this clause has been put in. With the lowering of franchise and the removal of plural voting, industries will find it extremely difficult to secure representation on the municipalities and I would ask the House to bear in mind that municipalities like Kanchrapara and Bhatpara owe their prosperity entirely to the jute mills and other industries; so it is only meet and proper that they should be given sufficient voice in the municipal administration of these places. Government is morally bound to provide sufficient safeguard for them and cannot leave things merely to chance.

Sir, Dr. Sen Gupta has said that there is no limit to the power of nomination of Government. Well, I hope he would be satisfied if I accept in a modified form amendments 191 to 193 with some verbal alterations, *viz.*, instead of one-third nomination should be one-half. If it is moved in that form with some verbal alterations, Government will have no objection to accept it. It will give sufficient scope to safeguard the interest of labour and industry, leaving the rest to the original inhabitants or people unconnected with labour or industry. On this assurance, I hope, Sir, the hon'ble mover will have no objection to withdrawing his motion.

Dr. NARESH CHANDRA SEN GUPTA: Do you mean my motion?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes.

Dr. NARESH CHANDRA SEN GUPTA: It has nothing to do with that.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: His is a hybrid motion and Government, as a practical Government, is always afraid of such hybrid things. He suggests that there may be applications from voters for casting their votes through special constituencies: this presupposes that there should be a preliminary election or that a plebiscite should be taken before it is decided whether the vote should be taken in a special constituency. It is highly complicated and it is only possible for Dr. Sen Gupta to suggest such things, and no one who has any practical experience of the working of municipalities can make any such proposals. In these constituencies there are 200,000 labour population. They will have to undergo the tyranny of making

application first. They do not appreciate the value of vote and still they will have to go and ask for permission to vote in a special constituency: that presupposes a highly cultured state of society and a highly educated constituency which unfortunately these places are not. On these grounds I oppose this motion, but in view of the suggestion I have made, I hope the hon'ble movers, Mr. Ray Chowdhury and Dr. Sen Gupta, will have no objection to amend the motion (Nos. 191 to 193) by putting in the word "appointed" in place of the word "nominated" and the word "one-half" in place of the word "one-third" and also the word "the" before the word "commissioner" in the second line. In that case Government will have no objection to accepting the motion.

Babu JITENDRALAL BANNERJEE: May I suggest that instead of "one-half" Government should agree to two-fifths or five-twelfths? That will give just a bare majority to the elected commissioners.

The motion of Rai Bahadur Satyendra Kumar Das was then put and lost.

The motion of Mr. Ananda Mohan Poddar was then put and lost.

The motion of Dr. Naresh Chandra Sen Gupta was then put and lost.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to move first of all that in clause 17 (*1*), in lines 4 and 5, for the words "an appreciable extent to and" the words "and essentially" be substituted. The Hon'ble Minister has laid down the principle which governs this clause, namely, that in the case of those municipalities which owe their development to any industry or industries, justice and fairness demand that the industrial population living within those municipalities should have proper representation on them. I submit, Sir, that it may be a matter of controversy whether any particular municipality has gained such benefit on account of the development of industries within it as to call for the operation of this section. In that case the word "essentially" will be more suitable than the words "appreciable extent" because the word "appreciable" is rather vague and there may be difference of opinion as to its implications. The number of nominated commissioners on any municipality should not be increased except on very good grounds. If the word "essentially" be substituted for the words "appreciable extent", I do not think it will make any difference in the object which the Hon'ble Minister has in view. Sir, for the very reasons which have actuated the Hon'ble Minister to put in this clause, I submit that the word "essentially" should be substituted for the words "an appreciable extent".

Coming now to my motion No. 191, I submit, Sir, that having regard to the arguments which have already been used in connection with the amendment of Dr. N. C. Sen Gupta, I can do no better than say that democracy is always very suspicious of any encroachment on its rights and undoubtedly nomination is an encroachment on the rights of the people who would certainly like to elect their own representatives. The vagueness of the words "increasing the number of nominated commissioners beyond the proportion . . . . ." will leave a large loophole which may lead to the number of nominated commissioners being increased to an undesirable extent. Therefore I think, Sir, the proviso I have suggested should be accepted, even assuming that in some cases it will be necessary for Government to provide for the representation of the industrial population; even assuming that such a contingency may arise, I think it is reasonable to limit the powers of Government for increasing the number of nominated commissioners. I submit, Sir, my proposal is a very simple one, namely, that the number of nominated commissioners should not exceed one-third of the total number of commissioners.

6-15 p.m.

Under the existing Act the proportion of nominated commissioners is one-third and it has now been reduced to one-fourth, which is certainly a great improvement. This should not be taken away by this clause even with regard to particular areas. Therefore I want to meet all possible contingencies by providing that there should not be an increase beyond one-third of the total number of nominated commissioners in a municipality in the cases contemplated. But if the Hon'ble Minister is at some difficulty to accept this one-third proportion being fixed I shall be content with something less than this, as has been suggested by Mr. Jitendralal Bannerjee. I only want to have this principle recognised that the number of nominated commissioners should be in all cases less than that of the elected commissioners. With these observations, Sir, I move my two amendments, namely, that for the words "an appreciable extent to and" the words "and essentially" be substituted and that the number of appointed commissioners shall in no case exceed one-third of the total number of commissioners. This will not cause any difficulty to Government and will also set a limit on the executive's power. Sir, there should not be the least apprehension in the mind of the citizens that their interests may suffer. I may say, Sir, in legal parlance that not only should justice be done but it should be done in such a way as to appeal to the confidence of the people. No Minister, however well-disposed he might be, can be allowed to encroach on the liberty of the citizens; there should be always a salutary check on the arbitrary exercise of power by the executive, and the law should always provide some such

check. I consider it quite reasonable that this limit should be placed on their power. I again repeat that if the Hon'ble Minister so wishes I am prepared to bring down one-third to two-fifths, as has been suggested by Babu Jitendralal Bannerjee.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 17 (*1*) (*i*), in line 1, after the word "increase" the words "by not more than one-fifth of the total number of nominated commissioners as provided in the Act" be inserted.

My object is almost the same as that of my friend Babu Satish Chandra Ray Chowdhury and also of Babu Jitendralal Bannerjee. I propose one-fifth of the total number of nominated commissioners. In a previous clause a certain number of nominated commissioners has been approved of and I believe it is one-fourth, and I propose that one-fifth of one-fourth should be nominated in these areas. If, however, any of the suggestions proposed by the previous speaker as well as by Mr. Bannerjee are accepted I am also prepared to accept that as they cover my motion.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that in clause 17 (*1*) (*i*), in lines 2 to 5, the words beginning with "beyond" and ending with "therein, or" be omitted.

I only beg to say that only in the case of elected members Government can delegate any powers.

(The member was inaudible at the reporters' gallery.)

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that in clause 17 (*1*) (*i*), in line 10, before the word "labour" the word "of" be inserted.

This is only a formal amendment, only to make the clause more clear.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move formally that after clause 17 (*1*) (*i*), the following be inserted, namely:—

> "Provided that the number of appointed commissioners shall in no case exceed one-third of the total number of the commissioners of the municipality."

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: If the mover makes the proportion one-half instead of one-third then I am prepared to accept it.

Babu SATISH CHANDRA RAY CHOWDHURY: With your permission, Sir, I would accordingly like to change one-third to one-half to make it acceptable to Government.

Mr. NARENDRA KUMAR BASU: But that would make the number of nominated commissioners and elected commissioners the same.

Mr. PRESIDENT: Order, order: This is a matter entirely between the Hon'ble Minister and the mover. If Mr. Ray Chowdhury cannot make up his mind quickly he had better stick to the amendment as it stands.

Babu SATISH CHANDRA RAY CHOWDHURY: All right, Sir, let it stand as I have moved it.

Mr. PRESIDENT: I might tell the House that motions Nos. 174, 182, 185, 190 and 191 are before the House now and we will have one discussion on them.

Mr. NARENDRA KUMAR BASU: Before I speak on these motions may I have your ruling on a point of information, Sir? I find that both motions Nos. 182 and 191 have been moved and are before the House. No. 182 wants the increase to be by not more than one-fifth and one-fifth of one-fourth is one-twentieth. No. 191 wants on the other hand that the number of nominated commissioners shall in no case exceed one-third of the total number of commissioners. So if we are to discuss both these together, it will be necessary for those taking part in the discussion either to accept the one or the other: we cannot have the pleasure of supporting both.

I beg to support motion No. 191. It seems to me that its provisions are similar to what has been put down in clause 17 and are certainly necessary for the representation of industry and labour. It is certainly necessary that they should be represented and as has been put down in a subsequent amendment, amendment No. 195 by Mr. Thompson, the nomination shall be made from among persons directly concerned in or connected with such industry or industries. But I submit, Sir, no case has been made out why the nominated element should swamp the elected. I think there should be some limit set on the number of nominations in order to have these special interests represented. I think that all that the amendment demands is that the number of

nominated commissioners should not exceed one-third of the total number of commissioners; so that in a municipality consisting of 12 members the number of nominated commissioners would be four. It is well known that if these four members are members of any personality, not to say, forceful personality, like mill managers and people of that description, then I am quite sure that they would be able to bring over other votes to their side, and this would be specially so because I am quite certain that some of the elected commissioners would also be, if not members of an industry, at least persons over whom these industries and their owners and managing agents would have a great deal of influence. I do not accordingly think that it is sound in principle to have the elected element swamped by the nominated element if that can be helped, and in this case the demand made by my friend the mover is so modest that I do not think there can be any objection to its being accepted.

6-30 p.m.

MUNINDRA DEB RAI MAHASAI: Sir, I beg to ask for leave to move an amended amendment so that my original amendment will run as follows:—

"That after clause 17 (*1*) (*i*) the following be inserted, namely:—

'Provided that the number of appointed commissioners shall in no case exceed one-half of the total number of the commissioners of the municipality.' "

Mr. PRESIDENT: I understand that you are moving it on the lines suggested by the Hon'ble Minister.

MUNINDRA DEB RAI MAHASAI: Yes, Sir.

Mr. PRESIDENT: I think nobody objects to it.

Mr. NARENDRA KUMAR BASU: Certainly, we do object to it, Sir.

The amendment of Munindra Deb Rai Mahasai was not then proceeded with.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I would again appeal to my friend, Mr. Satish Chandra Ray Chowdhury, not to press his amendment. I may remind the Council that this is a matter of nomination under special circumstances. This nomination is in respect of special constituencies. Where it will not be possible to form a special constituency, there and there only Government will have to depend on special nomination. In those cases, Sir, it is only

proper that the labour and industry should have a considerable voice in the municipality and that is the reason why I press for "half" instead of "one-third." I hope, therefore, that the House will accept it, realising the difficulty I have mentioned.

Babu JITENDRALAL BANNERJEE: Sir, instead of the Minister appealing to us, it is for us to appeal to him. So far as we are concerned, we are quite prepared to concede that the "mill" municipalities should be treated on a different footing; we are also prepared to concede that Government should have the power to nominate a larger number on those municipalities than elsewhere. But the question is, whether it should be half or less than half. In all these mill municipalities, the mill people, the industrial people, will certainly have a considerable influence and are sure to get in in larger numbers, even by means of ordinary election. Consequently, if the appointed members are also half, they will swamp the board. Does the Hon'ble Minister wish that these mill municipalities should be the monopoly and the special preserve of the mill people? We are prepared to concede their claim, but let them not occupy the position of privileged monopolists, and let not the Minister be accused of co-operating with them. It is for him to meet us: we are prepared to go as far as possible; we are prepared to make the proportion of appointed members two-fifths or even five-twelfths We only want that it should be less than the proportion of elected members. It is for the Hon'ble Minister to accept our offer. If he does not, I shall have regretfully to come to the conclusion that he does not want our co-operation in the business of getting through this Bill.

Mr. W. H. THOMPSON: Sir, is the proportion of two-thirds or five-twelfths before the House in any amendment?

Mr. PRESIDENT: No.

Babu SATISH CHANDRA RAY CHOWDHURY: I am prepared to make it "two-fifths" if it is acceptable to the Hon'ble Minister.

Mr. PRESIDENT: Yes, but it must be formally moved by somebody.

Mr. NARENDRA KUMAR BASU: I beg formally to move that in the motion of Babu Satish Chandra Ray Chowdhury, in line 2 of the proviso, for the words "one-third" the words "two-fifths" be substituted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The difficulty is that if we accept the proportion of "two-fifths" the total number must be divisible by five.

Mr. NARENDRA KUMAR BASU: Then you have to take the next below number.

The motion that in clause 17 (*1*), in lines 4 and 5, for the words "an appreciable extent to and" the words "and essentially" be substituted was put and lost.

The motion that in clause 17 (*1*) (*i*), in line 1, after the word "increase" the words "by not more than one-fifth of the total number of nominated commissioners as provided in the Act" be inserted was put and lost.

The motion that in clause 17 (*1*) (*i*), in lines 2 to 5, the words beginning with "beyond" and ending with "therein, or" be omitted was put and lost.

The motion that in clause 17 (*1*) (*i*), in line 10, before the word "labour" the word "of" be inserted was put and agreed to.

The motion that after clause 17 (*1*) (*i*), the following be inserted, namely:—

> "Provided that the number of appointed commissioners shall in no case exceed two-fifths of the total number of the commissioners of the municipality"

was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banerji, Rai Bahadur Keshab Chandra.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Choudhury, Maulvi Nural Absar.
Chawdhury, Maulvi Abdul Ghani.
Das, Rai Bahadur Satyendra Kumar.
Faziullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Ghose, Rai Bahadur Sasenka Cemar.
Guha, Babu Protulla Kumar.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hossain, Maulvi Muhammad.
Khan, Maulvi Tamizuddin.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hunuman Prasad.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Raikat, Mr. Prosanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hosani.
Ray, Babu Haribansa.
Ray, Babu Satyendra Nath.
Ray, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshoy Kumar.
Shah, Maulvi Abdul Hamid.

NOES.

Armstrong, Mr. W. L.
Austin, Mr. J. M.
Bakshi, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Barma, Rai Sahib Panchanan.
Birkmyre, Mr. H.
Burn, Mr. N. H.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. C.
Das, Rai Bahadur Kamini Kumar.
Eduljji, Maulvi Hur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Faweus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelherim.
Gilchrist, Mr. R. N.
Henderson, Mr. A. G. R.
Hosain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Kerr, Mr. W. J.
Khan, Maulvi Amin-ur-Zaman.
Khan, Mr. Razaur Rahman.
Leesen, Mr. G. W.
Mitter, the Hon'ble Sir Provash Chunder.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Ordish, Mr. J. E.
Philpot, Mr. H. C. V.
Ray, Babu Amulyadhan.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J.
Roy, Mr. Saileswar Singh.
Roy, the Hon'ble Mr. Bijay Prasad Singh.
Sarkar, Babu Beoed Bihari.
Sarker, Rai Sahib Rohati Mohan.
Sen, Mr. S. R.
Sen, Mr. Giris Chandra.
Stapleton, Mr. N. E.
Thomas, Mr. M. P.
Thompson, Mr. W. H.
Townend, Mr. N. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

The Ayes being 40, and the Noes 52, the motion was lost.

The following motion was then put and lost:—

"That after clause 17 (*1*) (*i*) the following be inserted, namely:—

'Provided that the number of appointed commissioners shall in no case exceed one-third of the total number of the commissioners of the municipality.' "

Adjournment.

The Council was then adjourned till 3 p.m., on Monday, the 15th August, 1932, at the Council House, Calcutta.

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